



# Journal of the Senate

Number 32—Extended Session

Thursday, March 25, 1982

## BILL ACTION SUMMARY

Thursday, March 25, 1982

H	6	Passed
H	43	Concurred, Passed as amended
H	151	Substituted for C/S SB 162, Passed
H	173	Substituted for SB 155, Passed
H	266	Passed
H	287	Passed
H	447	Substituted for C/S SB 294, Passed
H	615	Passed
H	628	Passed
H	665	Passed
H	681	Substituted for C/S SB 944, Passed
H	692	Substituted for C/S SB 354, Passed
H	728	Substituted for C/S SB 743, Passed
H	783	Substituted for SB 925, Passed
H	788	Passed
H	823	Passed
H	931	Passed
H	969	Passed
H	971	Passed
H	1015	Substituted for SB 848, Passed
H	1016	Passed
H	1092	Passed
H	1129	Substituted for SB 764, Passed
H	1137	Passed
H	1144	Passed
H	1156	Passed
H	1160	Passed as amended
H	1173	Passed
S	46	Concurred, Passed as amended
S	68	Concurred, Passed as amended
S	69	Concurred C/S passed as amended
S	155	Iden./Sim. House Bill substituted, passed; refer to HB 173
S	162	Iden./Sim. House Bill substituted, passed; refer to HB 151
S	166	Concurred, C/S passed as amended
S	294	Iden./Sim. House Bill substituted, passed; refer to C/S HB 447
S	354	Iden./Sim. House Bill substituted, passed; refer to C/S HB 692
S	387	Concurred, Passed as amended
S	573	Concurred, Passed as amended
S	583	Concurred, Passed as amended
S	585	Concurred, Passed as amended
S	634	Concurred, Passed as amended
S	655	Concurred, Passed as amended
S	656	Concurred, Passed as amended
S	743	Iden./Sim. House Bill substituted, passed; refer to C/S HB 728
S	764	Iden./Sim. House Bill substituted, passed; refer to HB 1129
S	832	Concurred, Passed as amended
S	848	Iden./Sim. House Bill substituted; refer to HB 1015
S	869	Concurred, C/S passed as amended
S	925	Iden./Sim. House Bill substituted, passed; refer to HB 783
S	944	Iden./Sim. House Bill substituted, passed; refer to C/S HB 681

The Senate was called to order by the President at 10:00 a.m.  
A quorum present—38:

Mr. President	Carlucci	Gersten	Hill
Anderson	Childers, D.	Gordon	Jenkins
Barron	Dunn	Grizzle	Jenne
Beard	Frank	Henderson	Johnston

Kirkpatrick	McKnight	Scott	Tobiassen
Langley	Neal	Skinner	Trask
Lewis	Peterson	Steinberg	Vogt
Margolis	Poole	Stevens	Ware
Maxwell	Rehm	Stuart	
McClain	Renick	Thomas	

Excused: Senator Hair for the morning session, Senator Jennings

Prayer by Mrs. Jackie Sharkey of the Senate staff:

O God, the fountain of wisdom, whose will is good and gracious, and whose law is truth: We beseech thee so to guide and bless our Senators assembled, that they may enact such laws as shall please thee, to the glory of thy name and the welfare of our people. Amen.

## Votes Recorded

Senator Lewis was recorded as voting yea on final passage of HB 426 and CS for SB 991 on March 23.

## REPORTS OF COMMITTEES

The Committee on Apportionment recommends the following pass: HB 1160 with 1 amendment

The bill was placed on the calendar.

The Committee on Rules and Calendar submits the following bills to be placed on the Special and Continuing Order Calendar for Thursday, March 25 and Friday, March 26: HB 1160, Senate Bills in House Messages: SB 583, CS for SB 183, SB 656, HB 175, SB 661, SB 68, SB 46, SB 54, SB 353, SB 573, SB 634, SB 655, SB 832, CS for SB 69, CS for SB 166, SB 216, SB 387; SB 576, SB 848, CS for HB 971, HB 1016, CS for HB 287, CS for SB 506, CS for SB 772, HB 1173, CS for HB 931, CS for SB 743, SB 365, SB 764, SB 925, CS for SB 158, CS for SB 330, HCR 500, CS for SB 415, SB 266, SB 855, SB 987, CS for SB 354, CS for SB 963, CS for SB 400, SB 259, CS for CS for SB 944, HB 1137, HB 865, CS for HB 1111, HB 823, SB 414, SB 155, HB 1144, SB 589, SB 523, SB 940, SB 773, CS for HB 615, CS for SB 162, CS for SB 653, CS for SB 294, SB 531, CS for SJR 605, SB 598, HB 1035, CS for SB 681, HB 391

Respectfully submitted,  
*Edgar M. Dunn, Jr., Chairman*

## Executive Business

The appointment of Freddie Franklin to the Board of Trustees of Tallahassee Community College was referred to the Committee on Executive Business. The committee made no recommendation to the Senate and the Senate failed to act on the appointment.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator McKnight, the rules were waived and by two-thirds vote SB 850 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Dunn, the rules were waived and the Committee on Apportionment was granted permission to meet this day from 10:30 a.m. until completion of the agenda.

Senator Dunn moved that when the Senate recesses it recess to reconvene at 2:00 p.m. to adjourn upon completion of the special order calendar. The motion was adopted by two-thirds vote.

The President invited Senator Trask to the well of the Senate where he read the following letter:

March 24, 1982

*Honorable W. D. Childers*  
*President, Florida Senate*

Dear Mr. President:

That I might avoid for my family, my friends, my colleagues in government, and the public, as well, further grief or anguish, I respectfully request a Senate investigation of the financial disclosure filed by me. Out front and with candor, I freely admit mistakes of oversight and of judgment in my disclosure, but represent to you that there was not the slightest intent to wrong any person or violate the laws requiring such disclosure. That I did not have money enough to obtain professional help with the tangled web that was and is my nightmare is not advanced as an excuse but to mitigate against any presumption of deceit.

Permit me a moment of your time, not for defense or excuse, but only that you might, in some way, sense the circumstance out of which you are to judge me. Only those who have faced the lonely and stark reality of financial ruin, as have I, can truly feel or understand the awesome pressure that compels one to frantically run in a hundred directions at once. The easy and most tempting course for me after the 1974-75 recession had ravaged me was bankruptcy. Had running or hiding been my objective, would I not have buried the entire matter in that way? Mistakenly, perhaps, I turned away from bankruptcy and desperately sought a way to repay my creditors and provide for myself and my family a comfortable way of life. That I have failed while seeking that goal is the arena in which I ask to be judged.

Forgetting that which is past and turning to that which is ahead, I press for the mark. I have amended my disclosure and will do so until it meets the most artfully contrived standards of accounting. In the meantime, I will honestly respond to your inquiry comforted by the certain knowledge that your duty will be discharged free of bias.

Sincerely,  
*Alan Trask*

The President appointed the following select committee to recommend to him a course of action on Senator Trask's request: Senator Dunn, chairman; Senators Anderson, Jenkins, Henderson and Ware.

#### AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m.  
 A quorum present—39

Mr. President	Grizzle	Margolis	Skinner
Anderson	Hair	Maxwell	Steinberg
Barron	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenkins	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiassen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gersten	Langley	Renick	Ware
Gordon	Lewis	Scott	

#### MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 168 which he had approved on March 25.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed CS for SB 881, SB 580, SB 780, SB 838, CS for SB 241, SB 479 and CS for SB 834.

*Allen Morris, Clerk*

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed SB 120, SB 404, SB 673, CS for SB 705, SB 865, SB 581, SB 29, SB 235, CS for SB 842 and SB 340.

*Allen Morris, Clerk*

The bills contained in the above messages were ordered enrolled.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed HB's 547, 564, 749, 812, 913 and 1075, as amended.

*Allen Morris, Clerk*

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership and passed as amended HB 1173 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Hollingsworth and others—

**HB 1173**—A bill to be entitled An act relating to weapons and firearms; adding subsection (15) to s. 790.001, Florida Statutes, defining "readily accessible for immediate use"; adding subsection (5) to s. 790.25, Florida Statutes, providing that possession of a concealed firearm or other weapon within the interior of a private conveyance is lawful under certain conditions; providing an effective date.

On motion by Senator Thomas, by unanimous consent, HB 1173 was read the first time by title and referred to the Committee on Rules and Calendar.

On motion by Senator Thomas, by two-thirds vote HB 1173 was withdrawn from the Committee on Rules and Calendar.

Senator Poole moved that the rules be waived and SB 453 be withdrawn from the Committee on Rules and Calendar and placed on the special order calendar to be considered at 2:30 p.m.

Senator Barron moved as a substitute motion that the Senate take up HB 1160 relating to congressional apportionment. The substitute motion was adopted.

#### SPECIAL ORDER

**HB 1160**—A bill to be entitled An act relating to the establishment of congressional districts; amending s. 8.001, Florida Statutes, providing definitions; amending s. 8.01, Florida Statutes, providing for the division of the state into 19 congressional districts; amending s. 8.011, Florida Statutes, relating to the inclusion of unlisted territory in contiguous districts; amending s. 8.03, Florida Statutes, relating to the election of representatives to Congress; providing effective dates for congressional districts created in 1982; providing for severability of invalid portions; reenacting s. 8.05, Florida Statutes, relating to membership of governmental agencies appointed pursuant to former district boundaries; repealing s. 8.04, Florida Statutes, providing effective dates for congressional districts created in 1972; repealing s. 8.06, Florida Statutes, providing for severability of invalid portions.

—was read the second time by title.

The Committee on Apportionment recommended the following amendment which was moved by Senator Barron:

**Amendment 1**—On page 2, line 22, strike everything after the enacting clause and insert:

Section 1. Section 8.001, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 8.001, F.S., for present text.)*

**8.001 Definitions.**—As used in this chapter, the terms "census county division," "census tract," "block group," and "enumeration district" have the same meaning and describe the same geographical boundaries as provided in the Bureau of the Census Reports of the United States Decennial Census of 1980 for the State of Florida.

**Section 2.** Section 8.01, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 8.01, F.S., for present text.)

8.01 Division of state into congressional districts.—The state is hereby divided in 19 congressional districts as follows:

(1) DISTRICT 1 is composed of Bay, Escambia, Okaloosa, and Santa Rosa Counties; and that part of Walton County included in census county divisions 005, 010, and 020.

(2) DISTRICT 2 is composed of Calhoun, Citrus, Dixie, Franklin, Gadsden, Gilchrist, Gulf, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Taylor, Wakulla, and Washington Counties; and that part of Alachua County included in census county division 025; and that part of Alachua County included in census tracts 3, 8, 9, 10, 11, 12, 15, 16, 17, 19.02, 22.02 and 22.03 of census county division 005; and that part of Alachua County included in block group 3 of census tract 2 of census county division 005; and that part of Walton County included in census county division 015.

(3) DISTRICT 3 is composed of Baker, Bradford, Clay, Columbia, Flagler, Hamilton, Madison, Nassau, Putnam, St. Johns, Suwannee, and Union Counties; and that part of Alachua County included in census county divisions 010, 015, 020, and 035; and that part of Alachua County included in census tracts 1, 4, 5, 6, 7, 13, and 14 of census county division 005; and that part of Alachua County included in block groups 1, 2, 4, 5, 6, 7, and 8 of census tract 2 of census county division 005; and that part of Duval County included in census tracts 103, 105, 106, 107, 117, 119.01, 119.02, 127, 136, 137.01, and 137.02 of census county division 035; and that part of Volusia County included in census tracts 802, 803, 804, 805, and 811 of census county division 025; and that part of Volusia County included in census tracts 801, 806, 807, 808.01, 808.02, 808.03, and 809 of census county division 035.

(4) DISTRICT 4 is composed of that part of Duval County included in census tracts 1, 1.99, 2, 2.99, 3, 4, 5, 6, 7, 8, 9, 10, 10.99, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 101, 102.01, 102.02, 104, 108, 109, 110, 111, 112, 113, 114, 115, 116, 118, 120, 121, 122, 123, 124, 125, 126.01, 126.02, 128, 129, 130, 131, 132, 133, 134.01, 134.02, 135.01, 135.02, 138, 138.99, 139.01, 139.02, 139.03, 140, 141, 142, 143.01, 143.02, 144, 145, 146, 147, 148, 149.01, 149.02, 150.01, 150.02, 151, 152, 153, 154, 155, 156, 157, 158.01, 158.02, 159.01, 159.02, 160, 161, 162, 163, 164, 165, 166.01, 166.02, 167.01, 167.02, and 168 of census county division 035.

(5) DISTRICT 5 is composed of Marion County; and that part of Brevard County included in census county division 035; and that part of Brevard County included in census tracts 621, 622, and 627 of census county division 010; and that part of Lake County included in census county divisions 015, 022, 025, 030, 040, and 050; and that part of Lake County included in census tracts 302.01 and 302.03 of census county division 010; and that part of Seminole County included in census county divisions 015 and 020; and that part of Volusia County included in census county divisions 001, 006, 008, 010, 018, 020, 040, 045, and 050; and that part of Volusia County included in census tracts 812 and 813 of census county division 025; and that part of Volusia County included in census tract 810 of census county division 035.

(6) DISTRICT 6 is composed of Hernando and Sumter Counties; and that part of Lake County included in census county divisions 005, 020, and 045; and that part of Lake County included in census tract 302.02 of census county division 010; and that part of Orange County included in census county divisions 005, 063, and 086; and that part of Orange County included in census tracts 107.01, 107.02, 108.01, 108.02, 119.01, 119.02, 120, 121, 122, 123, 124, 125, 126, 127.01, 127.02, 128, 129, 130.01, 130.02, 151.01, 151.02, 152.01, 152.02, 153, 154.01, 154.02, 155.01, 155.02, 156.01, 156.02, 157.01, 157.02, 158.01, 158.02, 159.01, 159.02, 160.01, 160.02, 161, and 162 of census county division 040; and that part of Pasco County included in census county divisions 010 and 015; and that part of Pasco County included in census tracts 319, 322, and 323 of census county division 005; and that part of Pasco County included in census tracts 301, 302, 311, 312, 313, and 318 of census county division 025; and that part of Pasco County included in census tracts 328 and 331 of census county division 030; and that part of Seminole County included in census county division 009.

(7) DISTRICT 7 is composed of that part of Hillsborough County included in census county divisions 010, 025, 060, and 085; and that part of Hillsborough County included in census tracts 135.01, 135.02, 136, and 136.99 of census county division

040; and that part of Hillsborough County included in census tracts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53, 53.99, 54, 55, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 72.99, 73, 104, 105, 106, 108.01, 108.02, 109, 112.01, 112.02, 113, 116.01, 116.02, 116.03, 116.04, 116.05, 117.01, 117.02, 118.01, 118.02, 119.01, 119.02, 119.03, 120.01, and 120.02 of census county division 065; and that part of Manatee County included in census county division 030; and that part of Manatee County included in census tracts 12.01, 12.02, 17.01, and 18 of census county division 010.

(8) DISTRICT 8 is composed of that part of Pinellas County included in census county divisions 015, 050, and 052; and that part of Pinellas County included in census tracts 245.03, 245.04, 250.06, 252.03, 252.04, 252.05, 252.06, 252.07, 253.01, 253.02, 254.04, 254.05, 254.08, 254.09, 257, 276.01, and 276.02 of census county division 020.

(9) DISTRICT 9 is composed of that part of Hillsborough County included in census county divisions 006, 045, and 080; and that part of Hillsborough County included in census tract 137 of census county division 040; and that part of Hillsborough County included in census tracts 107, 108.03, 108.04, 110.01, 110.02, and 111 of census county division 065; and that part of Pasco County included in census county division 020; and that part of Pasco County included in census tracts 320 and 321 of census county division 005; and that part of Pasco County included in census tract 310 of census county division 025; and that part of Pasco County included in census tracts 329 and 330 of census county division 030; and that part of Pinellas County included in census county division 055; and that part of Pinellas County included in census tracts 253.03, 254.01, 254.06, 254.07, 255.01, 255.03, 255.04, 256.01, 256.02, 258, 259.01, 259.02, 260.01, 260.02, 260.99, 261, 262, 263, 264, 265, 266.01, 266.02, 267.01, 267.02, 267.03, 268.03, 268.04, 268.05, 268.06, 268.07, 269.03, 269.04, 269.05, 269.06, 269.07, 270, 271.01, 271.02, and 271.03 of census county division 020.

(10) DISTRICT 10 is composed of DeSoto, Hardee, and Polk Counties; and that part of Manatee County included in census county divisions 015 and 035; and that part of Manatee County included in census tracts 1.01, 1.02, 1.03, 1.04, 2, 3.01, 3.02, 3.03, 4.01, 4.02, 5.01, 5.02, 6.01, 6.02, 7, 8.01, 8.02, 9, 10, 11.01, 11.02, 17.02, and 19.02 of census county division 010; and that part of Sarasota County included in census county division 012; and that part of Sarasota County included in census tracts 1, 2, 2.99, 3, 7, 9, 10, 11, and 19.01 of census county division 015.

(11) DISTRICT 11 is composed of Osceola County; and that part of Brevard County included in census county divisions 004, 020, 023, 025, 031, 032, 033, and 040; and that part of Brevard County included in census tracts 623, 624, 625, 626, 628, 629, 630, 631, and 712 of census county division 010; and that part of Orange County included in census county divisions 015 and 075; and that part of Orange County included in census tracts 101, 102, 103, 104, 105, 106, 109, 110, 111, 112, 113, 114, 115, 116, 117.01, 117.02, 118, 131, 132, 133, 134.01, 134.02, 135.01, 135.02, 136.01, 136.02, 137, 138, 139, 140, 141, 142, 143.01, 143.02, 144, 145, 146.01, 146.02, 146.03, 147, 163.01, 163.02, 164.01, 164.02, 168.01, 168.02, 169.01, and 169.02 of census county division 040.

(12) DISTRICT 12 is composed of Glades, Hendry, Highlands, Indian River, Martin, Okeechobee, and St. Lucie Counties; and that part of Brevard County included in census county division 028; and that part of Palm Beach County included in census county divisions 010, 035, 045, 070, and 077; and that part of Palm Beach County included in census tracts 14.02, 16, 17, 18.01, 18.02, 19.01, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 35.01 of census county division 080.

(13) DISTRICT 13 is composed of Charlotte, Collier, and Lee Counties; and that part of Sarasota County included in census county divisions 006, 008, 011, 013, and 035; and that part of Sarasota County included in census tracts 4, 5, 6, 12, 13, 14, 15, 16, 17, 18, and 19.02 of census county division 015.

(14) DISTRICT 14 is composed of that part of Broward County included in census tracts 103.01, 103.02, 104, 105, and 106 of census county division 015; and that part of Broward County included in census tracts 201, 202.01, 202.02, 202.03, 203.01, 203.02, 203.03, 203.04, 203.05, 203.06, 203.07, 204.01, 204.02, and 205 of census county division 037; and that part of Broward County included in census tract 601.01 of census

county division 043; and that part of Palm Beach County included in census county divisions 015, 020, 050, and 078; and that part of Palm Beach County included in census tracts 19.02, 30, 31.01, 31.02, 32, 33, 34, 35.02, 35.03, 36, and 37 of census county division 080.

(15) DISTRICT 15 is composed of that part of Broward County included in census county divisions 020 and 050; and that part of Broward County included in census tracts 101, 102, 107, 108, 109, 110, and 301 of census county division 015; and that part of Broward County included in census tracts 801, 802, 803, 804.01, 804.02, and 805 of census county division 030; and that part of Broward County included in census tracts 602.02, 602.03, 603, 604, 605.01, 606.01, 607, 608, 609, 610.01, and 611 of census county division 043.

(16) DISTRICT 16 is composed of that part of Broward County included in census county divisions 003, 010, 025, and 038; and that part of Broward County included in census tracts 901, 901.99, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 916, 917, 918, 919, 920, and 921 of census county division 030; and that part of Broward County included in census tract 204.03 of census county division 037; and that part of Broward County included in census tracts 601.02, 601.03, 601.04, 602.01, 605.02, 606.02, and 610.02 of census county division 043; and that part of Dade County included in enumeration districts 100, 101, 102, 103, and 104 of census tract 115 of census county division 017; and that part of Dade County included in census tracts 101.02, 101.06, and 101.07 of census county division 020; and that part of Dade County included in census tracts 101.03 and 101.08 of census county division 028; and that part of Dade County included in census tracts 59.03, 59.04, 60.01, and 60.02 of census county division 045; and that part of Dade County included in block groups 2, 3, and 4 of census tract 59.02 of census county division 045; and that part of Dade County included in census tracts 100.05 and 100.07 of census county division 085; and that part of Dade County included in census tracts 90.01 and 90.02 of census county division 090; and that part of Dade County included in census tracts 77.01, 88.01, 88.02, 89.01, 89.02, and 89.03 of census county division 120.

(17) DISTRICT 17 is composed of that part of Dade County included in census tracts 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 8.01, 8.02, 92, 93.02, 93.03, 93.04, and 93.05 of census county division 020; and that part of Dade County included in census tracts 1.03, 1.04, 1.05, 1.06, 2.01, 2.02, 2.03, 2.04, 2.05, 2.06, 2.07, 2.08, 3.01, 3.02, 3.03, 3.04, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08, 5.01, 5.02, 5.03, 9.01, 9.02, 9.03, 10.01, 10.02, 10.03, 10.04, 11.01, 11.02, 11.03, 11.04, 12.02, 12.03, 12.04, 13, 14, 15.01, 15.02, 17.01, 17.02, 96, 97.01, 97.02, and 98 of census county division 045; and that part of Dade County included in census tract 1.01 of census county division 050; and that part of Dade County included in census tracts 94, 95.01, 95.02, 99.01, 99.02, 99.03, 99.04, 100.01, 100.02, 100.06, and 100.08 of census county division 085.

(18) DISTRICT 18 is composed of that part of Dade County included in census county division 035; and that part of Dade County included in census tracts 7.01, 7.03, 7.04, 16.01, and 16.02 of census county division 020; and that part of Dade County included in census tracts 17.03, 18.01, 18.02, 18.03, 19.01, 19.02, 20.01, 20.02, 21, 22.01, 22.02, 23, 24, 25, 26, 27.01, 27.02, 28, 29, 30.01, 30.02, 31, 34, 36.01, 36.02, 37.01, 37.02, 37.99, 47.01, 47.02, 47.03, 48, 49, 50, 51, 52, 53.01, 53.02, 54.01, 54.02, 55.01, 55.02, 56, 57.01, 57.02, 58.01, 58.02, 59.01, 61.01, 61.02, 62, 63.01, 64, 65, 66, 67.01, 67.02, and 75.01 of census county division 045; and that part of Dade County included in block group 1 of census tract 59.02 of census county division 045; and that part of Dade County included in census tracts 38, 39.01, 39.02, 39.04, 39.05, 39.06, 40, 41.01, 41.02, 42, 43, 44, 45, and 45.99 of census county division 050; and that part of Dade County included in census tract 91 of census county division 090.

(19) DISTRICT 19 is composed of Monroe County; and that part of Dade County included in census county divisions 025, 030, and 110; and that part of Dade County included in block groups 1, 2, and 9 of census tract 115 of census county division 017; and that part of Dade County included in enumeration districts 105, 106, 107, 108, 109, 110, and 111 of census tract 115 of census county division 017; and that part of Dade County included in census tracts 101.09, 101.10, 101.11, 101.12, 101.13, and 101.14 of census county division 028; and that part of Dade County included in census tracts 63.02, 68, 69, 70.01, 70.02, 71, 72, 73, 74, 75.02, 75.03, 76.01, 76.02, 76.03,

76.04, 77.02, and 77.03 of census county division 045; and that part of Dade County included in census tracts 85.01, 85.02, 86, and 87 of census county division 120.

Any portion of the state that is not expressly included in a district described in this section but is entirely surrounded by a district shall be deemed to be included in that district. Any other portion of the state that is not expressly included in a district described in this section shall be deemed to be included in the least populous district, according to the United States Decennial Census of 1980, which is contiguous to such portion. The districts described in this section shall constitute the congressional districts of the state, and a representative to the Congress shall be elected in and for each congressional district.

Section 3. Candidates for the office of congressman for each of the districts prescribed in this act shall be nominated in 1982, as provided by law, and a congressman shall be elected for each such district at the general election to be held in 1982. The term of each congressman so elected shall commence upon the expiration of the terms of the congressmen serving on the date this act becomes a law.

Section 4. If any provision of this act or the application thereof to any person, district, or circumstance is held invalid, the invalidity shall not affect other districts, provisions, or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 5. Sections 8.011, 8.03, 8.04, and 8.06, Florida Statutes, are hereby repealed.

Section 6. This act, except for this section and sections 3 and 4 which shall take effect upon becoming a law, shall take effect upon the expiration of the terms of the congressmen serving on the date this act becomes a law.

Senators Vogt and Maxwell offered the following amendment to Amendment 1 which was moved by Senator Vogt and adopted:

**Amendment 1A**—On page 6, lines 3-24, strike said lines and insert: (11) DISTRICT 11 is composed of that part of Brevard County included in census county divisions 004, 020, 023, 025, 028, 031, 032, 033, and 040; and that part of Brevard County included in census tracts 623, 624, 625, 626, 628, 629, 630, 631, and 712 of census county division 010; and that part of Orange County included in census county divisions 015 and 075; and that part of Orange County included in census tracts 101, 102, 103, 104, 105, 106, 109, 110, 111, 112, 113, 114, 115, 116, 117.01, 117.02, 118, 131, 132, 133, 134.01, 134.02, 135.01, 135.02, 136.01, 136.02, 137, 138, 139, 140, 141, 142, 143.01, 143.02, 144, 145, 146.01, 146.02, 146.03, 147, 163.01, 163.02, 164.01, 164.02, 168.01, 168.02, 169.01, and 169.02 of census county division 040; and that part of Osceola County included in census county divisions 005 and 015.

(12) DISTRICT 12 is composed of Glades, Hendry, Highlands, Indian River, Martin, Okeechobee, and St. Lucie Counties; and that part of Osceola County included in census county division 020; and that part of Palm Beach County included in census county divisions 010, 035, 045, 070, and 077; and that part of Palm Beach County included in census tracts 14.02, 16, 17, 18.01, 18.02, 19.01, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 35.01 of census county division 080.

Senator Stuart moved the following amendment to Amendment 1 which was adopted:

**Amendment 1B**—On pages 3, 4 and 6, strike all of subsections (6) and (11) and insert: (6) DISTRICT 6 is composed of Hernando and Sumter Counties; and that part of Lake County included in census county divisions 005, 020, and 045; and that part of Lake County included in census tract 302.02 of census county division 010; and that part of Orange County included in census county divisions 005 and 086; and that part of Orange County included in census tracts 106, 107.01, 107.02, 108.01, 108.02, 118, 119.01, 119.02, 120, 121, 122, 123, 124, 125, 126, 127.01, 127.02, 128, 129, 130.01, 130.02, 151.01, 151.02, 152.01, 152.02, 153, 154.01, 154.02, 155.01, 155.02, 156.01, 156.02, 157.01, 157.02, 158.01, 158.02, 159.01, 159.02, 160.01, 160.02, 161, and 162 of census county division 040; and that part of Orange County included in census tracts 148.02, 148.03, 171.01, 171.02, and 171.03 of census county division 063; and that part of Pasco County included in census county divisions 010 and

015; and that part of Pasco County included in census tracts 319, 322, and 323 of census county division 005; and that part of Pasco County included in census tracts 301, 302, 311, 312, 313, and 318 of census county division 025; and that part of Pasco County included in census tracts 328 and 331 of census county division 030; and that part of Seminole County included in census county division 009.

(11) DISTRICT 11 is composed of Osceola County; and that part of Brevard County included in census county divisions 004, 020, 023, 025, 031, 032, 033, and 040; and that part of Brevard County included in census tracts 623, 624, 625, 626, 628, 629, 630, 631, and 712 of census county division 010; and that part of Orange County included in census county divisions 015 and 075; and that part of Orange County included in census tracts 101, 102, 103, 104, 105, 109, 110, 111, 112, 113, 114, 115, 116, 117.01, 117.02, 131, 132, 133, 134.01, 134.02, 135.01, 135.02, 136.01, 136.02, 137, 138, 139, 140, 141, 142, 143.01, 143.02, 144, 145, 146.01, 146.02, 146.03, 147, 163.01, 163.02, 164.01, 164.02, 168.01, 168.02, 169.01, and 169.02 of census county division 040; and that part of Orange County included in census tract 170 of census county division 063.

#### Senator McClain presiding

Senators Maxwell and Vogt offered the following amendment to Amendment 1 which was moved by Senator Maxwell and failed:

**Amendment 1C**—On pages 3 and 6, strike all of said subsections (5) and (11) and insert: (5) DISTRICT 5 is composed of Marion County; and that part of Lake County included in census county divisions 015, 022, 025, 030, 040, and 050; and that part of Lake County included in census tracts 302.01 and 302.03 of census county division 010; and that part of Orange County included in census county division 075; and that part of Orange County included in census tracts 131, 132, 163.01, 163.02, 164.01, and 164.02 of census county division 040; and that part of Seminole County included in census county divisions 015 and 020; and that part of Volusia County included in census county divisions 001, 006, 008, 010, 018, 020, 040, 045, and 050; and that part of Volusia County included in census tracts 812 and 813 of census county division 025; and that part of Volusia County included in census tract 810 of census county division 035.

(11) DISTRICT 11 is composed of Osceola County; and that part of Brevard County included in census county divisions 004, 020, 023, 025, 031, 032, 033, 035, and 040; and that part of Brevard County included in census tracts 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, and 712 of census county division 010; and that part of Orange County included in census county division 015; and that part of Orange County included in census tracts 101, 102, 103, 104, 105, 106, 109, 110, 111, 112, 113, 114, 115, 116, 117.01, 117.02, 118, 133, 134.01, 134.02, 135.01, 135.02, 136.01, 136.02, 137, 138, 139, 140, 141, 142, 143.01, 143.02, 144, 145, 146.01, 146.02, 146.03, 147, 168.01, 168.02, 169.01, and 169.02 of census county division 040.

Senator Vogt moved the following amendment to Amendment 1 which was adopted:

**Amendment 1D**—On page 6, strike lines 3-16 and insert: (11) DISTRICT 11 is composed of that part of Brevard County included in census county divisions 004, 020, 023, 025, 028, 031, 032, 033, and 040; and that part of Brevard County included in census tracts 623, 624, 625, 626, 628, 629, 630, 631, and 712 of census county division 010; and that part of Orange County included in census county divisions 015 and 075; and that part of Orange County included in census tracts 101, 102, 103, 104, 105, 109, 110, 111, 112, 113, 114, 115, 116, 117.01, 117.02, 131, 132, 133, 134.01, 134.02, 135.01, 135.02, 136.01, 136.02, 137, 138, 139, 140, 141, 142, 143.01, 143.02, 144, 145, 146.01, 146.02, 146.03, 147, 163.01, 163.02, 164.01, 164.02, 168.01, 168.02, 169.01, and 169.02 of census county division 040; and that part of Orange County included in census tract 170 of census county division 063; and that part of Osceola County included in census county divisions 005 and 015.

Senator Gersten moved the following amendment to Amendment 1 which was adopted:

**Amendment 1E**—On page 7, lines 22-31, page 8, and page 9 lines 1-17, strike said lines and insert: (16) DISTRICT 16 is composed of that part of Broward County included in census county divisions 003, 010, 025, and 038; and that part of Broward County included in census tracts 901, 901.99, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 916, 917, 918, 919, 920, and 921 of census county division 030; and that part of Broward County included in census tract 204.03 of census county division 037; and that part of Broward County included in census tracts 601.02, 601.03, 601.04, 602.01, 605.02, 606.02, and 610.02 of census county division 043; and that part of Dade County included in enumeration districts 100, 101, 102, 103, and 104 of census tract 115 of census county division 017; and that part of Dade County included in census tracts 101.06 and 107.07 of census county division 020; and that part of Dade County included in census tracts 101.03 and 101.08 of census county division 028; and that part of Dade County included in census tracts 59.03, 59.04, 60.01, and 60.02 of census county division 045; and that part of Dade County included in block groups 2, 3, and 4 of census tract 59.02 of census county division 045; and that part of Dade County included in census tracts 100.05 and 100.07 of census county division 085; and that part of Dade County included in block group 9 of census tract 100.01 of census county division 085; and that part of Dade County included in census tracts 90.01 and 90.02 of census county division 090; and that part of Dade County included in census tracts 77.01, 88.01, 88.02, and 89.01, 89.02, 89.03 of census county division 120.

(17) DISTRICT 17 is composed of that part of Dade County included in census tracts 6.01, 6.02, 6.04, 6.05, 6.06, 8.01, 8.02, 92, 93.02, 93.03, 93.04, 93.05, and 101.02 of census county division 020; and that part of Dade County included in block groups 1, 2, and 4 of census tract 6.03 of census county division 020; and that part of Dade County included in block group 3 of census tract 7.01 of census county division 020; and that part of Dade County included in census tracts 1.03, 1.04, 1.05, 1.06, 2.01, 2.02, 2.03, 2.04, 2.05, 2.06, 2.07, 2.08, 3.01, 3.02, 3.03, 3.04, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08, 5.01, 5.02, 5.03, 9.01, 9.02, 9.03, 10.01, 10.02, 10.03, 10.04, 11.01, 11.02, 11.03, 11.04, 12.02, 12.03, 12.04, 13, 14, 15.01, 15.02, 17.01, 17.02, 96, 97.01, 97.02, and 98 of census county division 045; and that part of Dade County included in census tract 1.01 of census county division 050; and that part of Dade County included in census tracts 94, 95.01, 95.02, 99.01, 99.02, 99.03, 99.04, 100.02, 100.06, and 100.08 of census county division 085; and that part of Dade County included in block group 1 of census tract 100.01 of census county division 085.

(18) DISTRICT 18 is composed of that part of Dade County included in census county division 035; and that part of Dade County included in census tracts 7.03, 7.04, 16.01, and 16.02 of census county division 020; and that part of Dade County included in block group 3 of census tract 6.03 of census county division 020; and that part of Dade County included in block groups 1, 2, 4, 5, and 9 of census tract 7.01 of census county division 020; and that part of Dade County included in census tracts 17.03, 18.01, 18.02, 18.03, 19.01, 19.02, 20.01, 20.02, 21, 22.01, 22.02, 23, 24, 25, 26, 27.01, 27.02, 28, 29, 30.01, 30.02, 31, 34, 36.01, 36.02, 37.01, 37.02, 37.99, 47.01, 47.02, 47.03, 48, 49, 50, 51, 52, 53.01, 53.02, 54.01, 54.02, 55.01, 55.02, 56, 57.01, 57.02, 58.01, 58.02, 59.01, 61.01, 61.02, 62, 63.01, 64, 65, 66, 67.01, 67.02, and 75.01 of census county division 045; and that part of Dade County included in block group 1 of census tract 59.02 of census county division 045; and that part of Dade County included in census tracts 38, 39.01, 39.02, 39.04, 39.05, 39.06, 40, 41.01, 41.02, 42, 43, 44, 45, and 45.99 of census county division 050; and that part of Dade County included in census tract 91 of census county division 090.

Amendment 1 as amended was adopted.

Senator Barron moved the following amendment which was adopted:

**Amendment 2**—In title on page 1, lines 2-31, and page 2, lines 1-19, strike said lines and insert: An act relating to congressional apportionment; amending s. 8.001, Florida Statutes; providing definitions; amending s. 8.01, Florida Statutes; prescribing the congressional districts of the state; repealing ss. 8.011, 8.03, 8.04, 8.06, Florida Statutes, which provide for the inclusion of certain territory in congressional districts, which provide for the election of representatives to Congress, which prescribe effective dates, and which provide severability; providing severability; providing an effective date.

On motion by Senator Barron, by two-thirds vote HB 1160 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Barron	Hill	McKnight	Stuart
Beard	Jenkins	Neal	Thomas
Carlucci	Jenne	Peterson	Tobiasen
Childers, D.	Johnston	Poole	Trask
Gersten	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Scott	Ware
Grizzle	Lewis	Skinner	
Hair	Maxwell	Steinberg	
Henderson	McClain	Stevens	

Nays—1

Dunn

Vote after roll call:

Yea—Frank, Renick

Yea to Nay—Maxwell, Vogt

#### The President presiding

On motion by Senator Gordon, staff of the Apportionment Committee was permitted to make technical adjustments to the amendments to HB 1160.

Senator Peterson moved that the Senate do now adjourn so the Senate conferees would be available to meet with the conferees of the House of Representatives to negotiate on matters in conference, and to reconvene at the call of the President. The motion was adopted and the Senate stood in informal recess at 3:13 p.m.

The Senate was called to order by the President at 5:34 p.m. A quorum present—39:

Mr. President	Grizzle	Margolis	Skinner
Anderson	Hair	Maxwell	Steinberg
Barron	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenkins	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiasen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gersten	Langley	Renick	Ware
Gordon	Lewis	Scott	

#### SPECIAL ORDER

On motion by Senator Barron, by unanimous consent—

HB 1173—A bill to be entitled An act relating to weapons and firearms; adding subsection (15) to s. 790.001, Florida Statutes, defining "readily accessible for immediate use"; adding subsection (5) to s. 790.25, Florida Statutes, providing that possession of a concealed firearm or other weapon within the interior of a private conveyance is lawful under certain conditions; providing an effective date.

—was taken up out of order and by two-thirds vote read the second time by title. On motion by Senator Barron, by two-thirds vote HB 1173 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Henderson	McKnight	Stevens
Anderson	Hill	Neal	Stuart
Barron	Jenkins	Peterson	Thomas
Beard	Jenne	Poole	Trask
Carlucci	Kirkpatrick	Rehm	Vogt
Childers, D.	Langley	Renick	Ware
Frank	Lewis	Scott	
Gersten	Maxwell	Skinner	
Hair	McClain	Steinberg	

Nays—4

Gordon Grizzle Johnston Margolis

Vote after roll call:

Yea—Tobiasen

On motion by Senator Gordon, the rules were waived and by two-thirds vote HB 1015 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Gordon by unanimous consent—

HB 1015—A bill to be entitled An act relating to issuance of revenue bonds; amending s. 375.051, Florida Statutes; requiring legislative approval of any revenue bonds issued for the acquisition of lands, water areas, and related resources secured by the revenues of the Land Acquisition Trust Fund; providing an effective date.

—a companion measure, was taken up out of order, substituted for SB 848 and read the second time by title. On motion by Senator Gordon, by two-thirds vote HB 1015 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Grizzle	Margolis	Skinner
Anderson	Hair	Maxwell	Steinberg
Barron	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenkins	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiasen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Gordon	Lewis	Scott	

Nays—None

Vote after roll call:

Yea—Vogt

SB 848 was laid on the table.

On motion by Senator Peterson, by unanimous consent—

HB 1016—A bill to be entitled An act relating to state lands; amending s. 253.01, Florida Statutes, and repealing s. 375.043, Florida Statutes, to provide that the revenues accruing from the sale of certain state lands shall be deposited in the Internal Improvement Trust Fund rather than the Land Acquisition Trust Fund; providing the purposes for which such revenues may be used; amending s. 253.02(1), Florida Statutes, relating to powers of the Board of Trustees of the Internal Improvement Trust Fund; amending ss. 253.031(4), 270.22, 270.23, and 403.813(1)(f) and (2)(f), Florida Statutes, relating to the receipt by the board of certain funds and proceeds, to conform to this act; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 1016 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Henderson	McClain	Steinberg
Anderson	Hill	McKnight	Stevens
Barron	Jenkins	Neal	Stuart
Beard	Jenne	Peterson	Thomas
Carlucci	Kirkpatrick	Poole	Tobiasen
Dunn	Langley	Rehm	Trask
Gersten	Lewis	Renick	Ware
Gordon	Margolis	Scott	
Grizzle	Maxwell	Skinner	

Nays—2

Childers, D. Johnston

Vote after roll call:

Yea—Vogt



## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 583—A bill to be entitled An act relating to medical assistance, amending s. 409.266(3), Florida Statutes; providing for recovery of payments; providing for assignment of financial rights; providing for release of medical information; providing for enforcement of subrogation rights; providing for imposition of liens; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 3, line 20, insert a new Section 2 and RENUMBER SUBSEQUENT SECTION:

Section 2. Subsection (2) of section 639.13 is amended to read: 639.13 Cancellation of, or default on, contracts.—

(2) No preneed funeral service or preneed burial supply contract shall restrict any contract purchaser who is an applicant for, or a recipient of, Supplemental Security Income, aid to families with dependent children, or Medicaid receiving public assistance from making his contract irrevocable in accordance with rules of the Department of Health and Rehabilitative Services.

**Amendment 2**—On page 1 in the title line 8 insert after the semicolon: providing for irrevocable preneed funeral service and burial supply contracts for applicants for, and recipients of, Supplemental Security Income, aid to families with dependent children, or Medicaid;

**Amendment 3**—On page 1 in the title line 2 strike: medical and insert: social and economic

On motions by Senator McKnight, the Senate concurred in the House amendments.

SB 583 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Stevens
Anderson	Henderson	McKnight	Stuart
Beard	Hill	Neal	Thomas
Carlucci	Jenkins	Peterson	Tobiasen
Childers, D.	Jenne	Poole	Trask
Dunn	Johnston	Rehm	Vogt
Frank	Kirkpatrick	Renick	Ware
Gersten	Langley	Scott	
Gordon	Lewis	Skinner	
Grizzle	Margolis	Steinberg	

Nays—None

The bill was ordered engrossed and then enrolled.

Consideration of CS for SB 183 was deferred.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed with amendment—

SB 656—A bill to be entitled An act relating to traffic accidents; amending s. 316.027(2), Florida Statutes; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 1 after line 11, insert: (1) The driver of any vehicle involved in an accident resulting in injury

or death of any person shall immediately stop such vehicle at the scene of the accident, or as close thereto as possible, and shall forthwith return to, and in every event shall remain at the scene of, the accident until he has fulfilled the requirements of s. 316.062.

On motion by Senator Renick, the Senate concurred in the House amendment.

SB 656 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gordon	Margolis	Skinner
Anderson	Hair	Maxwell	Steinberg
Barron	Hill	McClain	Stuart
Beard	Jenkins	McKnight	Thomas
Carlucci	Jenne	Neal	Tobiasen
Childers, D.	Johnston	Peterson	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Ware
Gersten	Lewis	Scott	

Nays—None

Vote after roll call:

Yea—Stevens

The bill was ordered engrossed and then enrolled.

Consideration of HB 175 and SB 661 was deferred.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 68—A bill to be entitled An act relating to public education; amending s. 228.121, Florida Statutes, to provide that students who are nonresidents, or whose guardians are nonresidents, of Florida may be admitted to the public schools according to certain criteria; requiring a nonresident tuition fee computed according to district expenditures, and providing exceptions; providing for verification of residency and guardianship; providing for the collection, remittance, and use of tuition fees; exempting certain nonresident students from inclusion in Florida Education Finance Program computations and from requirements for regular school attendance; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 1-3, strike everything after the enacting clause and insert:

Section 1. Section 228.121, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 228.121, F.S., for present text.)

228.121 Nonresident tuition fee; tuition fee exemptions.—

(1) Each student enrolling in the public schools of the several districts of the state who is a nonresident of Florida or whose natural or legal guardians are nonresidents of Florida shall be charged a tuition fee payable in advance at the time of enrolling as provided in subsection (3).

(2) The amount of tuition shall be the district's prior year annual expenditure per full-time equivalent student by program for the educational program in which the nonresident student is enrolled, plus service charges for processing. Capital outlay funds shall not be included in computing the tuition to be charged.

(3) Tuition may be charged by the local school board to the parents or guardians of those non-resident students who have the ability to pay according to criteria established by the Department of Education except that no tuition may be charged for the following students:

(a) Students whose natural or legal guardians are in the federal military service or are civilian employees, the cost of

whose education is provided in part or in whole by federal subsidy to state-supported schools.

(b) Students whose natural or legal guardians are migratory agricultural workers.

(c) Students whose natural or legal guardians hold, or they themselves hold, alien registration cards classified by the Immigration and Naturalization Service of the Department of Justice as "refugee" or "entrant, status pending."

(d) Students who are student participants in a student exchange program properly designated as such by the International Communication Agency in which such students are exchanged on a one-for-one basis.

(e) Students whose natural or legal guardians are temporarily residing in the state as a result of being brought to this state by a corporation or business with a branch located in Florida, whose temporary residence will not exceed 3 years, if at least one such guardian is employed by or renders services deemed necessary by such business or corporation, or comes as part of an exchange program with the country or business the guardian represents.

(f) Students who reside in other states than Florida in counties which are contiguous to the Florida border and who attend school in Florida.

(g) Students whose natural or legal guardians or one of them is an employee of the State of Florida or whose natural or legal guardians or one of them is duly enrolled in a college or university in the State of Florida.

(h) Students who reside in residential care facilities operated by the Department of Health and Rehabilitative Services and who receive their education under s. 230.23(4)(n).

(i) Students whose parent or legal guardian lives in Florida as a result of being the designated principal resident representative of a foreign government recognized de jure by the United States Government, which foreign government is a member of an international organization entitled to enjoy privileges, exemptions and immunities as an international organization under the International Organizations Immunities Act; or, whose parent or legal guardian is an accredited resident member of the staff of such representative.

(4) The local school district shall have discretionary authority to verify the bona fide residency and/or guardianship of all students enrolling in the schools of that district, according to the statutes and Constitution of the State of Florida, and to investigate and adjudicate the applicability of this section in specific cases.

(5) The burden of legal proof of residency or other legal exemption from payment of the nonresident tuition fee shall rest with the student or with the natural or legal guardians, as the case may be.

(6) Funds as set forth in this section shall be collected by the school in which the nonresident student is enrolled and remitted to the school board for the district in which the funds are collected. The school board shall use the funds for the operation and maintenance of its schools.

(7) Except for those students specified in subsection (3), school districts shall not include nonresident students in the computation of the basic amount to be included for operation as provided in s. 236.081 and shall not require their compliance with the requirements for regular school attendance as provided in s. 232.01.

Section 2. Any other provision of law the contrary notwithstanding the provisions of s. 234.021(2)(b), Florida Statutes, requiring state or local governmental entities to correct hazardous conditions shall not take effect until July 1, 1983.

Section 3. Legislative intent.—The Legislature hereby finds and declares that the approximately 750,000 deaf and hard-of-hearing citizens of this state have special and unique problems, including limitations on the ability to communicate, on academic achievement, and on occupational attainment, and have resulting problems with emotional adjustment and social interrelation. The Legislature further finds that there is a need for a council to oversee those services which affect hearing impaired individuals, particularly in the areas of public services, health care, and educational opportunities.

#### Section 4. Florida Council for the Hearing Impaired.—

(1) There is hereby established within the Department of Education the Florida Council for the Hearing Impaired, hereinafter referred to as "the council." The council shall be composed of 12 persons, as follows:

(a) The President of the Florida School for the Deaf and the Blind, or his designee.

(b) The Chief of the Bureau of Education for Exceptional Students in the Division of Public Schools of the Department of Education, or his designee.

(c) The Staff Director of the Vocational Rehabilitation Program Office within the Department of Health and Rehabilitative Services, or his designee.

(d) Nine persons to be appointed by the Governor by August 15, 1982, five of whom shall be hearing impaired individuals, oral deaf adults to be included.

(2) Members shall organize and shall elect from among the membership a chairperson who shall serve for a term of 1 year. Chairpersons may succeed themselves.

(3) The duties and responsibilities of the council shall be to:

(a) Oversee those services affecting hearing impaired individuals in the areas of public services, health care, and educational opportunities.

(b) Determine the most appropriate ways to improve the level of services currently provided by state agencies to hearing impaired persons, including those areas relating to the provision of interpreters or interpreting services for such persons.

(c) Serve as an advisory body to the department on the needs of the hearing impaired.

(d) Review the status of all state services available to the hearing impaired, identifying areas of duplication of services.

(e) Prepare annually a written report and recommendations to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 15 of each year the council is in existence.

(4) The council shall meet at least annually, or more frequently upon the call of the chairperson. Council members shall be entitled to receive per diem and expenses for travel while carrying on the official business of the council, as provided in s. 112.061, Florida Statutes. Council members may be replaced because of poor attendance, lack of participation in the council's work, or malfeasance in office. These and other vacancies occurring in the membership of the council shall be filled by the Governor for the unexpired portion of the vacated term.

Section 5. The council shall continue in existence until June 30, 1985, at which time the council shall cease to exist, and all unexpended funds of the council, appropriated thereto as provided in section 4, shall immediately thereupon be transferred to the General Revenue Fund.

Section 6. To carry out the purposes of this act, there is hereby appropriated to the Florida Council for the Hearing Impaired from the General Revenue Fund the sum of \$10,000 for fiscal year 1982-1983, to enable the council to perform the duties and responsibilities specified in this act.

Section 7. This act shall take effect July 1, 1982.

Amendment 2—On page 1 in title, strike the entire title, and insert: A bill to be entitled An act relating to public education; amending s. 228.121, Florida Statutes, providing for nonresident tuition fees; providing for the amount of such fees; providing criteria for fees; providing exceptions; providing for the use of funds collected; providing that certain nonresident students are exempted from inclusion in the Florida Education Finance Program computations and from requirements from regular school attendance; providing for the application of s. 234.021(2)(b), Florida Statutes, with respect to the correction of certain hazardous conditions; providing legislative intent; creating the Florida Council for the Hearing Impaired; providing for membership and organization thereof; providing duties and responsibilities of the council; providing for expiration of the council; providing an appropriation; providing an effective date.



On motions by Senator Stuart, the Senate concurred in the House amendments.

SB 68 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Grizzle	Maxwell	Steinberg
Anderson	Hair	McClain	Stevens
Barron	Henderson	McKnight	Stuart
Beard	Jenkins	Neal	Thomas
Carlucci	Jenne	Peterson	Tobiasen
Childers, D.	Johnston	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	
Gersten	Lewis	Scott	
Gordon	Margolis	Skinner	

Nays—None

Vote after roll call:

Yea—Hill

The bill was ordered engrossed and then enrolled.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 46—A bill to be entitled An act relating to tax on sales, use and other transactions; adding s. 212.02(20), Florida Statutes; defining "factory-built building"; amending s. 212.06(1)-(b), Florida Statutes; providing that persons who manufacture such buildings for their own use in the performance of contracts for construction or improvement of real property shall pay tax only on the cost price of items used in such manufacture; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 1 line 15 after the colon insert:

Section 1. Paragraphs (s) and (t) are added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, storage, use tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following tangible personal property are hereby specifically exempt from the tax imposed by this chapter.

#### (7) MISCELLANEOUS EXEMPTIONS.—

(s) *Nonprofit organizations designated as State Theater Program facilities.*—Nonprofit organizations incorporated in accordance with chapter 617 which have qualified under 501 (c) (3) of the Internal Revenue Code of 1954, as amended, and which have been designated as State Theater Program facilities as provided in s. 265.287, shall be exempt from the tax imposed by this chapter.

(t) *Florida Retired Educators Association and local chapters.*—Also exempt from payment of the tax imposed by this chapter are purchases of office supplies, equipment, and publications made by the Florida Retired Educators Association and local chapters.

#### (RENUMBER SUBSEQUENT SECTION)

Amendment 2—On page 1 in title line 3 after the semicolon insert: adding paragraphs (s) and (t) to s. 212.08(7), Florida Statutes, providing that certain nonprofit organizations designated as State Theater Program facilities are exempt from such tax; exempting certain purchases made by the Florida Retired Educators Association and local chapters;

On motions by Senator Vogt, the Senate concurred in the House amendments.

SB 46 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	McClain	Stevens
Anderson	Henderson	McKnight	Stuart
Beard	Hill	Neal	Thomas
Carlucci	Jenne	Peterson	Tobiasen
Childers, D.	Johnston	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Ware
Gersten	Lewis	Scott	
Gordon	Margolis	Skinner	
Grizzle	Maxwell	Steinberg	

Nays—None

The bill was ordered engrossed and then enrolled.

Consideration of Senate Bills 54 and 353 was deferred.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 573—A bill to be entitled An act relating to building construction; amending s. 553.901, Florida Statutes; changing from annual to biennial the Department of Veteran and Community Affairs' determination of the most cost-effective energy-saving equipment and techniques for thermal efficiency and providing for public review of proposed changes to the Florida Thermal Efficiency Code; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 2, line 2, after the "." insert:

Section 2. Subsection (6) is added to section 553.902, Florida Statutes, to read:

553.902 Definition.—For the purposes of this part:

(6) "Energy performance index or indices" or "EPI" means a number describing the energy requirements of a residence as compared to the average energy consumption of a residence built to prevailing construction standards in 1977. The number shall be calculated according to rules and procedures promulgated by the Department of Veteran and Community Affairs.

Section 3. Section 553.911, Florida Statutes, is created to read:

553.911 *Energy performance index disclosure for residential buildings.*—The energy performance index resulting from compliance with the provisions of this part, for new residential buildings, shall be prominently displayed on the completed buildings until time of sale. In conjunction with the normal responsibilities and duties of this part, the local building official shall issue an energy performance index display card to be placed on the building permit by the local building inspector at the time of final inspection by the building department. The display card shall be uniform statewide and developed by the Department of Veteran and Community Affairs. At a minimum, the display card shall list the energy performance index resulting from compliance with the code, the maximum EPI allowed for the specific house, a location for the builder and local enforcement agency to be listed and to sign, and general information about the energy performance index and the code. When compliance with the Florida Model Energy Efficiency Code for Building Construction is accomplished under a section of the code that does not require the calculation of an energy performance index, the builder shall calculate the EPI according to procedures provided for in the code or state that the EPI is unknown and might be higher than the maximum allowable EPI for a house of its size.

Renumber subsequent section.

Amendment 2—On page 2, line 2, after the "." insert:

Section 2. Subsections (6) through (18) of section 420.503, Florida Statutes, are renumbered as subsections (8) through (20), respectively, and new subsections (6) and (7) are added to said section to read:

420.503 Definitions.—As used in this part, the following words and terms shall have the following meanings unless the context indicates another or different meaning or intent:

(6) "Energy audit" means an evaluation of energy saving measures in which the estimates of costs and savings are based on an on-site inspection of the residence of an eligible customer by an auditor qualified pursuant to s. 366.82.

(7) "Energy conservation loan" means any loan made pursuant to s. 366.82(3).

Section 3. Section 420.5085, Florida Statutes, is created to read:

**420.5085 Energy conservation loans.—**

(1) Notwithstanding any provision of law, the agency shall have the power to purchase or take assignments of, or enter into commitments to purchase or take assignments of, energy conservation loans, if:

(a) Such a loan is made to a homeowner who is the principal resident of the home;

(b) The sum of such loans does not exceed \$15,000 for any one homeowner; and

(c) The loan finances alterations, repairs, and improvements which substantially protect or improve the energy efficiency of the property as demonstrated in the results of an energy audit.

(2) No loans made under the provisions of this section may be used to finance swimming pools, saunas, or other recreational facilities; nor may loan proceeds be used to refinance pre-existing or outstanding loans.

(3) The agency shall determine whether there are census tracts in the jurisdiction of the state where the income of 70 percent or more of the families in the census tract is below 80 percent of the statewide median income, based upon the latest decennial census data. If there are such census tracts, then for 1 year after the effective date of this section, 20 percent of the funds, or such lesser amounts as allowed by federal law, shall be set aside to finance loans in these areas. No other income eligibility limitations shall be set upon energy conservation loans.

Renumber subsequent section.

**Amendment 3—**On page 1 in title, line 9, insert after ";;": adding subsection (6) to s. 553.902, Florida Statutes, to define "energy performance index or indices"; creating s. 553.911, Florida Statutes, relating to the display of the energy performance index on completed buildings;

**Amendment 4—**On page 1 in title, line 9, after ";;" insert: adding new subsections (6) and (7) to s. 420.503, Florida Statutes; providing definitions; creating s. 420.5085, Florida Statutes; authorizing the Florida Housing Finance Agency to purchase or take assignments of energy conservation loans; providing requirements with respect thereto;

**Amendment 5—**On page 2, line 2, after the period (.) insert the following and renumber subsequent section:

Section 1. Subsection (6) of section 553.73, Florida Statutes, is amended to read:

**553.73 State Minimum Building Codes.—**

(6) The specific model code of the State Minimum Building Codes adopted by a municipality, county, or state agency shall regulate every type of building or structure, wherever it might be situated in the code enforcement jurisdiction; however, such regulations shall not apply to nonresidential farm buildings on farms, to temporary buildings or sheds used exclusively for construction purposes, or to mobile homes used as temporary offices, or to any construction exempted under s. 553.80(3) by an enforcement district or local enforcement agency. The codes may be divided into a number of segments, as determined by the municipality, county, or state agency. These segments may be identified as building, mechanical, electrical, plumbing, or fire prevention codes or by other titles as are deemed proper. However, the State Minimum Building Codes shall not contain a housing code; nor shall the state interpose in the area of local housing codes, except upon request originating from an enforcement district or local enforcement agency.

**Amendment 6—**On page 1 in title, line 9, after the semicolon (;) insert: amending s. 553.73(6), Florida Statutes; expanding

exemption from such codes to include mobile homes used as temporary offices;

On motions by Senator Stuart, the Senate concurred in the House amendments.

SB 573 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

**Yeas—37**

Mr. President	Hair	McClain	Stevens
Anderson	Henderson	McKnight	Stuart
Beard	Hill	Neal	Thomas
Carlucci	Jenne	Peterson	Tobiasen
Childers, D.	Johnston	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Ware
Gersten	Lewis	Scott	
Gordon	Margolis	Skinner	
Grizzle	Maxwell	Steinberg	

**Nays—None**

The bill was ordered engrossed and then enrolled.

**The Honorable W. D. Childers, President**

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 634—A bill to be entitled An act relating to condominiums; amending s. 718.503, Florida Statutes; specifying that the requirements for disclosure prior to sale apply only to residential condominiums; amending s. 718.111(9), Florida Statutes; deleting certain requirements of condominium association hazard insurance policies; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

**Amendment 1—**On page 6, lines 8 and 9, strike all of said lines and insert the following:

Section 3. Subsection (4) is added to section 718.112, Florida Statutes, to read:

**718.112 Bylaws.—**

(4) The bylaws of the association shall further provide, and if they do not, shall be deemed to provide for voluntary binding arbitration of internal disputes arising from the operation of the condominium among unit owners, associations, their agents and assigns. The Division of Florida Land Sales and Condominiums of the Department of Business Regulation shall employ full-time arbitrators to conduct the binding arbitration hearings provided by this chapter. No person may be employed by the department as a full-time arbitrator unless he is a member of The Florida Bar in good standing. The department shall promulgate rules of procedure to govern such binding arbitration hearings, and the decision of the arbitrator shall be final; however, such decision shall not be deemed final agency action. Nothing in this provision shall be construed to foreclose the parties from proceeding in a trial de novo, and if such judicial proceedings are initiated, the final decision of the arbitrator shall be admissible in evidence. Any party may seek enforcement of the final decision of the arbitrator in a court of competent jurisdiction.

Section 4. Paragraph (d) of subsection (1) of section 718.501, Florida Statutes, is amended to read:

**718.501 Powers and duties of Division of Florida Land Sales and Condominiums.—**

(1) The Division of Florida Land Sales and Condominiums of the Department of Business Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules promulgated pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units. In performing its duties, the division shall have the following powers and duties:

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against any developer or association, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer or association, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignees or agent, for any violation of this chapter or a rule promulgated pursuant hereto. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed \$5,000. All amounts collected shall be deposited with the Treasurer to the credit of the Florida Land Sales and Condominiums Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

Section 5. It is the intent of the Legislature that the provisions of Title VI of Pub. L. No. 96-399, other than the exceptions stated in s. 611 of that act, shall not apply in this state.

Section 6. Subsection (2) of section 718.501, Florida Statutes, as amended by chapters 81-54 and 81-185, Laws of Florida, is hereby repealed.

Section 7. This act shall take effect upon becoming a law except Section 3 shall take effect July 1, 1982.

**Amendment 2**—On page 1 in title, line 8 following the word "policies;" insert: adding subsection (4) to s. 718.112, Florida Statutes, providing for voluntary binding arbitration under condominium association bylaws; amending s. 718.501(1)(d), Florida Statutes, authorizing the Division of Florida Land Sales and Condominiums of the Department of Business Regulation to bring class actions in certain situations; providing legislative intent that certain provisions of Pub. L. No. 96-399 shall not apply in this state; repealing s. 718.501(2), Florida Statutes, relating to the Condominium and Cooperative Advisory Council;

**Amendment 3**—On pages 5 and 6, strike all of Section 2 and renumber subsequent section.

**Amendment 4**—On page 1 in title, lines 5-7 strike: amending s. 718.111(9), Florida Statutes; deleting certain requirements of condominium association hazard insurance policies;

**Amendment 5**—On page 1 line 11, after the colon (:) insert:

Section 1. Subsection (12) of section 718.111, Florida Statutes, is amended to read:

718.111 The association.—

(12) The association has the power to purchase any land or recreation lease upon the approval of two-thirds of the unit owners of each condominium association, unless a different

number or percentage is provided in the declaration or declarations.

(and renumber the subsequent sections)

**Amendment 6**—On page 1 in title line 2 after the semicolon (;) insert: amending s. 718.111(12), Florida Statutes, relating to condominium associations;

**Amendment 7**—On page 6, between lines 7 and 8, insert: Paragraph (e) of Subsection (4) of Section 718.104, Florida Statutes, is amended to read:

718.104 Creation of condominiums; contents of declaration. Every condominium created in Florida shall be created pursuant to this chapter.

(4) The declaration must contain or provide for the following matters:

(e) A survey of the land showing all existing easements and a graphic description of the improvements in which units are located and a plot plan thereof that, together with the declaration, are in sufficient detail to identify the common elements and each unit and their relative locations and approximate dimensions. The survey, graphic description, and plot plan may be in the form of exhibits consisting of building plans, floor plans, maps, surveys, or sketches. If the construction of the condominium is not substantially completed, there shall be a statement to that effect, and, upon substantial completion of construction, the developer or the association shall amend the declaration to include the certificate described below. The amendment may be accomplished by referring to the recording data of a survey of the condominium that complies with the certificate. A certificate of a surveyor authorized to practice in this state shall be included in or attached to the declaration or the survey or graphic description as recorded under s. 718.105 that the construction of the improvements is substantially complete so that the material, together with the provisions of the declaration describing the condominium property, is an accurate representation of the location and dimensions of the improvements and so that the identification, location, and dimensions of the common elements and of each unit can be determined from these materials. Completed units within each substantially completed building in a condominium development may be conveyed to purchasers, notwithstanding that other buildings in the condominium are not substantially completed, provided that all planned improvements, including, but not limited to, landscaping, utility services and access to the unit, and common element facilities serving such building, as set forth in the declaration, are first completed and the declaration of condominium is first recorded and provided that as to the units being conveyed there is a certificate of a surveyor as required above, including certification that all planned improvements, including, but not limited to, landscaping, utility services and access to the unit, and common element facilities serving the building in which the units to be conveyed are located have been substantially completed, and such certificate is recorded with the original declaration or as an amendment to said declaration. This section shall not, however, operate to require development of improvements and amenities declared to be included in future phases pursuant to s. 718.403 prior to conveying a unit as provided herein. For the purposes of this section, a "certificate of a surveyor" means certification by a surveyor in the form provided herein and may include, along with certification by a surveyor, when appropriate, certification by an architect or engineer authorized to practice in this state. Notwithstanding the requirements of substantial completion provided in this section, nothing contained herein shall prohibit or impair the validity of a mortgage encumbering units together with an undivided interest in the common elements as described in a declaration of condominium recorded prior to the recording of a certificate of a surveyor as provided herein.

(Renumber subsequent sections)

**Amendment 8**—On page 1 in the title, line 8 insert: after the word "policies;" specifying that the survey in the condominium declaration shall show all existing easements;

On motions by Senator Steinberg, the Senate concurred in the House amendments.

SB 634 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

## Yeas—39

Mr. President	Grizzle	Margolis	Skinner
Anderson	Hair	Maxwell	Steinberg
Barron	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenkins	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiasen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gersten	Langley	Renick	Ware
Gordon	Lewis	Scott	

## Nays—None

The bill was ordered engrossed and then enrolled.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 655—A bill to be entitled An act relating to workers' compensation; repealing s. 440.15(6), Florida Statutes, relating to compensation for hernia; eliminating factors that must be proven in order for a hernia to be compensable and eliminating the required period for which compensation must be paid; amending s. 440.14, Florida Statutes, relating to determination of pay; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 1, line 12 strike all of said line and insert:

WHEREAS, the right to impairment benefits for loss of vision has been disputed since the enactment of s. 440.15- (3)(a) 1 in 1979, it is the intent of the Legislature to clarify that the intent of the existing language is to provide permanent impairment benefits for loss of 80 percent or more of vision of either eye, after correction, and, WHEREAS, this is not intended to be a substantive change, any employee injured in an accident which occurred on or after August 1, 1979, resulting in loss of 80 percent or more of vision of either eye, after correction, is entitled to permanent impairment benefits, NOW, THEREFORE,

*Be It Enacted by the Legislature of the State of Florida:*

Section 1. Paragraph (a) of subsection (3) of section 440.15, Florida Statutes, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

**(3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.—**

**(a) Impairment benefits.—**

1. In case of permanent impairment due to amputation, loss of 80 percent or more of vision of *either eye*, after correction, or serious facial or head disfigurement resulting from an injury other than an injury entitling the injured worker to permanent total disability benefits pursuant to subsection (1), there shall be paid to the injured worker the following:

a. Two hundred fifty dollars for each percent of permanent impairment of the body as a whole from 1 percent through 10 59 percent; and

b. Five One hundred dollars for each percent of permanent impairment of the body as a whole for that portion in excess of 10 59 percent.

2. Once the employee has reached the date of maximum medical improvement, impairment benefits are due and pay-

able within 20 days after the carrier has knowledge of the impairment.

3. In order to reduce litigation and establish more certainty and uniformity in the rating of permanent impairment, the division shall establish and use a schedule for determining the existence and degree of permanent impairment based upon medically or scientifically demonstrable findings. The schedule shall be based on generally accepted medical standards for determining impairment and may incorporate all or part of any one or more generally accepted schedules used for such purpose, such as the American Medical Association's Guides to the Evaluation of Permanent Impairment. On August 1, 1979, and pending the adoption, by rule, of a permanent schedule, Guides to the Evaluation of Permanent Impairment, copyright 1977, 1971, by the American Medical Association, shall be the temporary schedule and shall be used for the purposes hereof.

Section 2. Subsection (1) of section 440.16, Florida Statutes, is amended to read:

**440.16 Compensation for death.—**

(1) If death results from the accident within 1 year thereafter or follows continuous disability and results from the accident within 5 years thereafter, the employer shall pay:

(a) Actual funeral expenses not to exceed \$2,500 ~~\$1,000~~.

(b) Compensation, in addition to the above, in the following percentages of the average weekly wages to the following persons entitled thereto on account of dependency upon the deceased, and in the following order of preference, subject to the limitation provided in subparagraph 2., but such compensation shall be subject to the limits provided in s. 440.12(2), shall not exceed \$100,000 ~~\$50,000~~, and may be less than, but shall not exceed, for all dependents or persons entitled to compensation, 66 2/3 percent of the average wage:

1. To the spouse, if there is no child, 50 percent of the average weekly wage, said compensation to cease upon the spouse's death or remarriage.

2. To the spouse, if there is a child or children, the compensation payable under subparagraph 1. and, in addition, 16 2/3 percent on account of the child or children. However, when the deceased is survived by a spouse and also a child or children, whether such child or children be the product of the union existing at the time of death or of a former marriage or marriages, the deputy commissioner may provide for the payment of compensation in such manner as to the deputy commissioner may appear just and proper and for the best interests of the respective parties and, in so doing, may provide for the entire compensation to be paid exclusively to the child or children; and, in the case of death or remarriage of such spouse, 33 1/3 percent for each child.

3. To the child or children, if there is no spouse, 33 1/3 percent for each child.

4. To the parents, 25 percent to each, such compensation to be paid during the continuance of dependency.

5. To the brothers, sisters, and grandchildren, 15 percent for each brother, sister, or grandchild.

**Renumber Subsequent Sections**

**Amendment 2**—On page 1 in the title between lines 2 and 3 insert: providing legislative intent; amending s. 440.15 (3)(a), Florida Statutes, increasing permanent impairment benefits; amending s. 440.16(1), Florida Statutes, increasing death benefits;

On motions by Senator Hair, the Senate concurred in the House amendments.

SB 655 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

## Yeas—39

Mr. President	Grizzle	Margolis	Skinner
Anderson	Hair	Maxwell	Steinberg
Barron	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenkins	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiasen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gersten	Langley	Renick	Ware
Gordon	Lewis	Scott	

## Nays—None

The bill was ordered engrossed and then enrolled.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 832—A bill to be entitled An act relating to the Division of Pari-mutuel Wagering; adding s. 550.02(9), Florida Statutes; authorizing the Division of Pari-Mutuel Wagering to exclude from all pari-mutuel facilities in this state any person who has been excluded from pari-mutuel facilities in this state or in any other state by such other state's official regulatory agency having jurisdiction over such pari-mutuel facilities; adding s. 550.10(1)(e), Florida Statutes; requiring the licensing of persons selling or purchasing horses on the grounds of a pari-mutuel permitholder; providing a fee; providing exceptions; amending s. 550.10(3)(b), Florida Statutes; authorizing the division to file administrative charges for violations occurring while a person held an occupational license; authorizing the division to exclude any person who has been denied an occupational license or whose occupational license has been suspended or revoked by the division from attending any pari-mutuel facility; amending s. 550.241(6), Florida Statutes; authorizing the division to permit use of certain medications by rule; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 5, lines 26-27, strike all of said lines and insert:

Section 5. Sections 535.19 and 535.21, Florida Statutes, are created to read:

**535.19 Financial reporting for horse shows.**—The promoter of any show recognized by The American Horse Show Association, Inc., a corporation of the State of New York, or its successor, and having total prize money in excess of \$7,000 shall file with the Division of Pari-mutuel Wagering of the Department of Business Regulation a financial statement of operations within 90 days of the end of each show, which statement shall be prepared in compliance with generally accepted accounting principles.

**535.21 Occupational license qualifications.**—

(1) The promoter of any show recognized by The American Horse Show Association, Inc., or its successor, and having total prize money in excess of \$7,000 shall apply for and obtain an annual occupational license from the Division of Pari-mutuel Wagering which license shall expire on October 1, of each year. Licenses shall be issued only to persons of good moral character who are not less than 19 years of age. Licenses to corporations shall be issued only to corporations whose officers are of good moral character and not less than 19 years of age. An occupational license fee not to exceed \$75 shall be established by the division.

(2) No license shall be issued to any person who has been convicted within the past 15 years of any felony in this state or any other state of the United States or to a corporation, any of the officers of which shall have been so convicted. The term "conviction" shall include an adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime. Prior to approval of any application, the division may require the applicant to file a set of fingerprints for himself and any person or persons interested directly or indirectly in the operation for which the license is being sought.

Section 6. Each section within chapter 535, Florida Statutes, which is added or amended by this act, is repealed on October 1, 1983, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 7. This act shall take effect upon becoming a law.

**Amendment 2**—On page 5, lines 26 and 27, strike all of lines 26 and 27 and insert:

Section 5. Subsection (3) of s. 550.162 and subsection (2) of s. 551.09 are amended to read:

**550.162 Dogracing; taxes; purse allowance; hours of operation.**—

(3) In addition to the sums permitted to be withheld from pari-mutuel pools under subsection (2), a permitholder may withhold, for capital improvements or to reduce capital improvement debt, 1 percent from pari-mutuel pools on triples, trifectas; or other similar wagers involving three or more greyhounds in any race and on "pic-six" wagering. If a permitholder is unequipped to hold triples, trifectas, or similar wagers on three greyhounds in one race, the permitholder may withhold, in addition to the sums permitted to be withheld under subsection (2), 1 percent, for capital improvements or to reduce capital improvement debt, from pari-mutuel pools on the following exotic wagers only: quinielas, perfectas, and Big "Q"s and on "pic-six" wagering. If a permitholder becomes equipped to hold triples, trifectas, or similar wagers on three greyhounds in one race, the permitholder is authorized to withhold the additional 1 percent authorized in this subsection from pools on triples, trifectas, and similar three-greyhound wagers only, and on "pic-six" wagering, and not from pools on any other type of exotic wagering. The permitholder who withholds additional sums under the provisions of this section for capital improvements or to reduce capital improvement debt shall be bound by the definition of capital improvements and capital improvement debt and the use of these sums as it appears in s. 550.16. In no event shall the total sums withheld on any type of exotic wagering on greyhounds exceed 20 percent of the total contributions to such pools.

**551.09 Wagers and pari-mutuel pools permitted within enclosure of fronton commissions; distribution of pari-mutuel pools.**—

(2) The "commission" is the percentage of the contributions to pari-mutuel pools which a permitholder is permitted to withhold from the contributions before making redistribution to the contributors. The permitholder's share of the commission is that portion of the commission which remains after the pari-mutuel tax imposed upon the contributions to the pari-mutuel pool is deducted from the commission and paid by the permitholder. The commission is deducted from all pari-mutuel pools but may be different depending on the type of pari-mutuel pool. For the purpose of this chapter, contributions to pari-mutuel pools involving wagers on a single jai alai player or team in a single game, such as the win pool, the place pool, or the show pool, shall be referred to as "regular wagering," and the contributions to all other types of pari-mutuel pools, which shall include, but need not be limited to, the daily double, perfecta, quiniela, trifecta, or the Big "Q" pools, shall be referred to as "exotic wagering." The commission which a permitholder who conducts jai alai under the provisions of this chapter may withhold from contributions to pari-mutuel pools shall not exceed 17.6 percent on regular wagering and shall not exceed 19 percent on exotic wagering, except that an additional 1 percent on triples, trifectas, or other similar wagers involving three or more players or teams in any game and on "pic-six" wagers may be withheld for capital improvements or to reduce capital improvement debt. The permitholder who withholds such additional sums shall be bound by the definitions of capital improvements and capital improvement debt and the use of these sums as they appear in s. 550.16.

Section 6. This act shall take effect upon becoming a law.

**Amendment 3**—On page 1 in the title, line 26, strike all of line 26 and insert: amending s. 550.162(3) and s. 551.09(2), Florida Statutes; authorizing certain permitholders to withhold additional sums on certain wagers; providing an effective date.

**Amendment 4**—On page 5, lines 26 and 27 strike lines 26 and 27 and insert: Section 5. Section 550.03, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 550.03, F.S., for present text.)

#### 550.03 Charity racing days.—

(1) The Florida Pari-mutuel Commission shall, except as provided in s. 550.081, upon the request of a permit holder authorize each horseracing, dogracing and jai alai permit-holder up to 5 charity or scholarship days in addition to the regular racing days authorized by law.

(2) The proceeds of charity performances shall be paid to qualified beneficiaries selected by the permit-holders from an authorized list of charities on file with the division. Eligible charities include any charity which provides evidence of compliance with the provisions of chapter 496, and evidence of possession of a valid exemption from federal taxation issued by the Internal Revenue Service. In addition, the authorized list shall include the Racing Scholarship Trust Fund, the Historic Preservation Trust Fund, major state and private institutions of higher learning, and Florida Community Colleges. In any racing season, a permit-holder shall not conduct more than three of the authorized charity days for the benefit of charities other than the Racing Scholarship Trust Fund, major state or private institutions of higher learning, and Florida Community Colleges.

(3) The permit-holder shall within 120 days after the conclusion of its fiscal year pay to the authorized charities the total of all profits derived from the operation of the charity day performances conducted, except that if the fiscal year of a track or fronton should end during the course of its meet, the payment shall be made within 120 days after the conclusion of the meet. In the event charity days are operated on behalf of another permit-holder pursuant to law, the permit-holder entitled to distribute the proceeds shall distribute the proceeds to charity within 30 days after the actual receipt of the proceeds.

(4) The total of all profits derived from the conduct of a charity day performance shall include all revenues derived from the conduct of that racing performance including all state taxes which would otherwise be due to the state, except that the daily license fee as provided in s. 550.09(1) and s. 550.06(1) and the breaks for the promotional trust funds as provided in s. 550.262(3), (4), and (5) shall be paid to the division. All other revenues from the charity racing performance, including the commissions, breaks, admissions, parking, programs, and concessions shall be included in the total of all profits, except that the capital improvement funds withheld under the provisions of s. 550.16, s. 550.162, or s. 551.09 shall be retained by the permit-holder for the capital improvement fund.

(5) In determining profit, the permit-holder shall deduct from the revenues the prorated share of operating expenses based upon the number of racing performances conducted during that meet. The expenses shall include all expenses reported in the uniform reporting system which are deductible by the permit-holder for state or federal income tax purposes, except that no deduction will be allowed for officer and director compensation, interest on capital debt, legal fees, real estate taxes, bad debts, contributions or donations, or overhead expenses charged by a parent organization that are not directly related to the charity racing performance conducted. In no event shall the amount paid to the charity be less than the taxes that would otherwise have been paid to the state if the charity racing performance had been conducted as a regular racing performance. The division shall by rule prescribe the form and content of the reports necessary to assure the proper distribution of the proceeds of charity days to the authorized charities.

Section 6. Section 550.08, Florida Statutes, is amended to read:

#### 550.08 Maximum length of race meeting.—

(1) No license shall be granted to any person or to any racetrack for a meet or meeting in any county to extend longer than an aggregate of 50 racing days for thoroughbred horse racing, 120 days for quarter horse racing, and 105 days for dogracing in any racing season, provided the Florida Pari-mutuel Commission is authorized to grant 1 additional day of racing during the race meeting period granted to any track as provided by law, upon application and agreement by any track in which 1 specific day of any meet shall be set aside, and all profit, less actual operating costs, from such specific

day's operations of such track including all taxes payable to the state or any agency thereof for such day's operation shall be paid into the State Treasury for a scholarship trust fund which shall be administered by the Board of Regents for the granting of scholarships for the purpose of attending the institutions of higher learning of the state upon such terms and conditions as the said board may from time to time prescribe. Actual operating costs of any track conducting such additional day of racing shall not include expenses constant from day to day and which would have been incurred had the race on that day not been held, including, but not limited to, such items such as capital expenditures, interest on debts, real estate taxes and annual license fees, donations, bad debts, and such other items of daily or prorated expense as the Division of Pari-mutuel Wagering may by rule prescribe.

(2) The provisions of this section are supplemental to s. 550.081 and shall be construed as authority for granting additional days of racing above the total of 120 days' limitation therein except that each horse racetrack may run only 1 additional day as herein provided during its race meeting period as authorized by said law and the 120 days' limitation therein shall in no event be extended beyond 3 additional days.

Section 7. Subsections (4), (5), (6), (7), and (8) of section 550.41, Florida Statutes, are hereby repealed.

Section 8. The provisions of 550.03, Florida Statutes, as amended by this act shall apply only to charity days operated by a permit-holder during its racing season which commences after the effective date of this act.

Section 9. This act shall take effect upon becoming a law.

**Amendment 5**—On page 1 in the title, line 26, delete line 26 and insert: amending s. 550.03, Florida Statutes; authorizing each horseracing, dogracing and jai alai permit-holder up to 5 charity or scholarship days in addition to the regular racing days; providing for eligibility and selection of a charity; providing for the payment of proceeds to the charity; providing for the determination of profit; amending s. 550.08, Florida Statutes; deleting provisions requiring additional racing day for benefit of the Board of Regents; repealing s. 550.41(4)(8), Florida Statutes, which subsections authorize specific additional charity racing days; excluding certain race meets and jai alai meets prior to effective date of this act; providing an effective date.

**Amendment 6**—On page 2, lines 25-31 and on page 3, lines 1-22, strike all of said lines

**Amendment 7**—On page 1 in the title, lines 11-15 strike all of said lines and insert: amending s. 550.10(3)(b), Florida

**Amendment 8**—On page 5, line 26, insert:

Section 5. Paragraph (b) of subsection (2) of section 550.16, Florida Statutes, is amended to read:

550.16 Pari-mutuel pool authorizes within track enclosures; commissions, breaks, etc.—

(2) The "Commission" is the percentage of the contributions to pari-mutuel pools which a permit-holder is permitted to withhold from the contributions before making redistributions to the contributors. The permit-holder's share of the commission is that portion of the commission which remains after the pari-mutuel tax imposed upon the contributions to the pari-mutuel pool is deducted from the commission and paid by the permit-holder. The commission is deducted from all pari-mutuel pools but may be different depending on the type of pari-mutuel pool. For the purpose of this chapter, contributions to pari-mutuel pools involving wagers on a single animal in a single race, such as the win pool, the place pool, or the show pool, shall be referred to as "regular wagering", and contributions to all other types of pari-mutuel pools, including, but not limited to, the daily double, perfecta, quiniela, trifecta, or the Big "Q" pools, shall be referred to as "exotic wagering".

(b) For the purposes of this chapter and chapter 551, "capital improvements" means:

1. The amount paid out for new buildings or for permanent improvement of betterments made to improve the facili-



ties utilized by the permitholder for the conduct of its race meetings; or

2. The amount expended in restoring property or in improving the facility or any part thereof which results in the addition or replacement of a fixed asset.

In general, the amounts referred to as capital improvements include amounts paid which add to the value, improve, or substantially prolong the useful life of the racetrack or fronton facility utilized by the permitholder for the conduct of its race meeting. Amounts paid or incurred for repairs and maintenance of property, interest expense, or lease payments in connection with the capital improvements are not capital improvements within the meaning of this section. *However, upon mutual agreement between the lessor and lessee of a racetrack or fronton, the lessee may withhold funds authorized in this section for capital improvements to the leased racetrack or fronton.*

Renumber sections accordingly.

**Amendment 9**—On page 1 in the title, line 26, before *providing*, insert: amending s. 550.16(2)(b), Florida Statutes; allowing a lessee of a racetrack or fronton to withhold certain funds from the pari-mutuel pool for capital improvements to the racetrack or fronton in certain circumstances;

**Amendment 10**—On page 1, line 28, after the colon (:), insert: Section 1. Section 215.405, Florida Statutes, is created to read:

215.405 State agencies authorized to collect costs of fingerprinting.—Any state agency exercising regulatory authority and authorized to take fingerprints of persons within or seeking to come within such agency's regulatory power may collect from the person or entity on whose behalf the fingerprints were submitted the actual costs of processing such fingerprints including, but not limited to, any charges imposed by the Department of Law Enforcement or any agency or branch of the United States Government. This provision shall constitute express authority for state agencies to collect the actual costs of processing the fingerprints either prior to or subsequent to the actual processing. To administer the provisions of this section, a state agency electing to collect the cost of fingerprinting is empowered to promulgate and adopt rules to establish the amounts and the methods of payment needed to collect such costs. Collections made under these provisions shall be deposited with the State Treasurer to an appropriate trust fund account to be designated by the Executive Office of the Governor.

(and renumber the subsequent sections)

**Amendment 11**—On page 1 in title, line 3, after the semi-colon ";", insert: creating s. 215.405, Florida Statutes; authorizing state agencies exercising regulatory powers to collect costs of fingerprinting from certain persons;

**Amendment 16**—On page 5, line 26, add new sections:

Section 1. Subsection (4) of section 943.11, Florida Statutes, is amended to read:

943.11 Criminal Justice Standards and Training Commission; creation; membership; meetings; compensation.—

(4) For the purposes of hearing those actions on *certification and decertification* pursuant to s. 943.145, the commission is authorized to meet in panels consisting of not fewer than ~~eight~~ *five* members to determine probable cause. The majority of the members of such panels shall be from the same discipline as the officer against whom decertification is sought, one of which shall be a nonmanagerial commissioner. At least five members must be in attendance in order to constitute a quorum, and a majority vote of those members in attendance is required to reach a decision. Composition of the panels shall be provided by rule of the commission.

Section 2. Subsection (11) is added to section 943.12, Florida Statutes, to read:

943.12 Special powers; law enforcement and correctional officer training.—In connection with employment and train-

ing of law enforcement officers, part-time law enforcement officers, auxiliary law enforcement officers, and correctional officers, the commission, in cooperation with the department, shall have special power to:

(11) *By rule, delegate a duty or duties to the division to act in the commission's name or rescind any such delegation of duties at any time.*

Section 3. Subsection (2) of section 943.14, Florida Statutes, is amended to read:

943.14 Criminal justice training programs; private criminal justice training schools; certificates and diplomas; exemptions; injunction proceedings.—

(2) The commission shall issue a certificate of compliance to any person satisfactorily complying with the specifically designed training programs established in subsection (1) and the qualifications for employment in s. 943.13, and no person shall be *permanently* employed or appointed as a law enforcement or correctional officer by any employing agency until the person has obtained such certificate of compliance. *Eligible persons whose fingerprints have not been returned from the Federal Bureau of Investigation and who have satisfactorily complied with the remaining requirements herein shall be temporarily certified in compliance. The temporary certification shall expire at the end of 1 calendar year from the date of its approval, or upon return of the fingerprints if there is a record indicated which, if known, would preclude certification, whichever occurs first.* No person employed or appointed as a correctional officer shall become a permanent employee until the provisions of subsection (1) and this subsection have been complied with. Certificates of compliance issued under the provisions of subsection (1) and this subsection shall not be interchangeable between the respective criminal justice disciplines. Each certified law enforcement officer shall be issued a standardized identification card by the commission, signed by the executive director and the head of the employing agency. Facsimile signatures are authorized. This card shall be the property of the employing agency and shall be returned to the employing agency upon the termination, resignation, or decertification of such officer. The employing agency shall be responsible for all costs in connection with the issuance of these cards.

(a) The commission may issue a temporary employment authorization to an individual meeting the qualifications for employment in s. 943.13, pending basic certification under this subsection, upon submission of evidence from an employing agency that a critical need exists and the individual is enrolled in an approved training program, or will be enrolled in the next approved training program available in the geographic area, or no assigned state training program for state officers is available within a reasonable time as determined by the commission.

(b) Any person issued a temporary employment authorization as a law enforcement or correctional officer pending basic certification under this subsection must enroll in the first training program offered in the geographic area, or assigned state training program for a state officer offered as determined by the commission, subsequent to his employment. In no case shall a temporary employment authorization be in force for more than 180 consecutive days, and

Such temporary employment authorization shall not be renewable or transferable. *However, an applicant granted a temporary employment authorization, who has enrolled in the first training program offered in the geographic area or assigned a state training program as determined by the commission, subsequent to his employment can continue in that capacity until the applicant:*

1. *Successfully graduates;*
2. *Fails the course;*
3. *Withdraws from the course; or*
4. *The agency terminates the applicant.*

Section 4. Subsections (1), (4), and (7) of section 943.145, Florida Statutes are amended to read:

943.145 Certification and decertification of law enforcement officers, part-time law enforcement officers, auxiliary law en-

forcement officers, and correctional officers; grounds; investigations and reports; hearings; exceptions.—

(1) The commission, by rule, shall establish administrative procedures for the issuance, denial, suspension, or revocation of law enforcement officer, and correctional officer certifications and other certifications provided for under this chapter. Except as otherwise provided for herein, such procedures shall conform to chapter 120.

(4) When an employing agency has cause to suspect that grounds exist for the decertification of a law enforcement officer or a correctional officer currently or formerly appointed or employed by it, the agency shall have first opportunity to conduct its own inquiry or investigation. Upon the conclusion of the agency inquiry or investigation, the agency shall secure available evidence and make a detailed written report to the commission via the division director. If it is not feasible to forward substantive evidence with the report, the evidence shall be described in detail. The division director shall make this report available to the chairman of the commission within 48 hours after receipt from the employing agency. The chairman of the commission may, in his discretion, call an emergency meeting of the commission to consider appropriate action in light of the information contained in such a report. Such reports shall be mandatory, exempt from the provisions of s. 119.07, and unavailable for inspection by anyone except personnel of the employing agency, the commission, or the department having an official need for access to such reports. At the conclusion of the investigation under this section, the person or persons to whom the report pertains shall have access to all reports and documents relating to the investigation and may release copies to others.

(7) The commission shall review reports and documents received under subsections (4), (5), and (6) and any and all materials or arguments submitted by the law enforcement or correctional officer under investigation and, upon a finding of probable cause for denial or revocation of certification, the commission shall initiate and conduct formal proceedings for denial or revocation of certification. The findings and conclusions of the commission shall constitute final agency action for the purposes of chapter 120.

Section 5. Sections 943.11, 943.12, 943.14, and 943.145, Florida Statutes, as amended by this act, are repealed on October 1, 1987, and shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.

(and renumber subsequent sections)

**Amendment 17**—On page 1, in title, line 25, after the semicolon, insert: amending s. 943.11(4), Florida Statutes, increasing to eight the minimum number of members for a panel within the Criminal Justice Standards and Training Commission to consider actions on certification and decertification; adding subsection (11) to s. 943.12, Florida Statutes, authorizing the commission to delegate duties to the Division of Criminal Justice Standards and Training; amending s. 943.14(2), Florida Statutes, providing for temporary certification; providing for continuation and termination of a temporary employment authorization; amending s. 943.145(1), (4) and (7), Florida Statutes, eliminating reference to a time period for a required report on decertification; providing for review and repeal in accordance with the Sundown Act;

**Amendment 18**—On page 1 in title, line 26 strike line 26 and insert: creating ss. 535.19 and 535.21, Florida Statutes; requiring promoters of certain shows to file financial statements; requiring occupational licensing of such promoters and specifying qualifications for same; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

On motions by Senator Anderson, the Senate concurred in the House amendments.

SB 832 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Mr. President	Dunn	Gordon	Hill
Anderson	Frank	Grizzle	Jenne
Beard	Gersten	Henderson	Kirkpatrick

Langley	Poole	Steinberg	Vogt
Lewis	Rehm	Stevens	Ware
Margolis	Renick	Thomas	
McClain	Scott	Tobiasen	
McKnight	Skinner	Trask	

Nays—7

Carlucci	Hair	Maxwell	Peterson
Childers, D.	Johnston	Neal	

The bill was ordered engrossed and then enrolled.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments—

**CS for CS for CS for SB's 69, 432, 312, 351, 39 and 285**—A bill to be entitled An act relating to driving under the influence of alcohol or controlled substances; amending s. 316.066 (4), Florida Statutes; excluding chemical test results from the confidentiality of accident reports; amending s. 316.193, Florida Statutes; providing minimum penalties; clarifying language; requiring attendance at a substance abuse education course; providing for substance abuse evaluation and treatment programs; defining "substance abuse"; amending s. 322.12(2), Florida Statutes; requiring examination of license applicants on certain subjects; amending s. 322.261, Florida Statutes; providing in certain circumstances for a urine test to detect controlled substances; providing criteria for administering a urine test; authorizing suspension of a driver's license for certain periods under certain circumstances; providing that refusal to submit to tests shall be admissible in criminal proceedings; providing procedures for such suspension; providing for consent to a blood test under certain circumstances; providing for validity of test results; authorizing the withdrawal of blood for certain purposes; providing certain persons with immunity from liability under certain circumstances; authorizing a law enforcement officer to direct that a breath or urine test be administered; limiting the admissibility of test results; creating s. 322.2615, Florida Statutes; requiring a person to submit to a chemical blood test under certain circumstances; providing for enforcement of such requirement; providing for certain criminal charges to be tried concurrently; authorizing the withdrawal of blood by certain persons; providing such persons with immunity from liability under certain circumstances; limiting the admissibility of test results; amending s. 322.262, Florida Statutes; providing for admissibility of test results under certain circumstances; providing a right to a trial by jury; amending s. 322.271(2), Florida Statutes; requiring proof of attendance at a substance abuse education course; amending s. 322.28(1), (2)(a), (d), (e), Florida Statutes; conforming certain language; providing for a temporary driving permit in specified circumstances; providing for the issuance and display of temporary driver permit tags; increasing length of revocation of driver's license; amending s. 322.281, Florida Statutes; providing for mandatory adjudication of persons for certain offenses; providing for minimum periods of imprisonment and fines for certain persons who are granted probation; providing for imprisonment for certain persons during certain time periods; amending ss. 322.291, 371.51, Florida Statutes; conforming certain language; amending s. 860.01 Florida Statutes; providing minimum penalties; providing for admissibility of certain test results in certain actions; adding s. 316.660(3), Florida Statutes; requiring reimbursement from the county fine and forfeiture fund for certain costs of county jails; requiring the Division of Statutory Revision to make certain changes; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 2**—On page 3, line 13, strike everything after the enacting clause, and insert:

Section 1. Section 860.01, Florida Statutes, is renumbered as section 316.1931, Florida Statutes, and amended to read:

**316.1931 860.01** Driving automobile while intoxicated; punishment.—

(1) It is unlawful for any person, while in an intoxicated condition or under the influence of intoxicating liquor, model glue, as defined in s. 877.11, or any substance controlled under

chapter 893 to such extent as to deprive him of full possession of his normal faculties, to drive, *be in actual physical control of*, or operate over the highways, streets, or thoroughfares of Florida any automobile, truck, motorcycle, or other vehicle. Any person convicted of a violation of this section shall be punished as provided in s. 316.193.

*For purposes of this subsection, a previous conviction under s. 316.193 shall be considered a previous conviction of this subsection.*

(2) If, however, damage to property or person of another, other than damage resulting in death of any person, is done by said intoxicated person under the influence of intoxicating liquor to such extent as to deprive him of full possession of his normal faculties, by reason of the operation of any of said vehicles mentioned herein, he shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, *however the penalty imposed for a violation of this subsection shall be not less than the penalty provided under s. 316.193*, and if the death of any human being be caused by the operation of a motor vehicle by any person while intoxicated, such person shall be deemed guilty of manslaughter, and on conviction be punished as provided by existing law relating to manslaughter.

(3) Convictions under the provisions of this section shall not be a bar to any civil suit for damages against the person so convicted.

Section 2. Section 316.193, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 316.193, F.S., for present text.)*

316.193 Driving while under the influence of alcoholic beverages, model glue, or controlled substances.—

(1) It is unlawful and punishable as provided in subsection (2) for any person who is under the influence of alcoholic beverages, model glue, or any substance controlled under chapter 893, when affected to the extent that his normal faculties are impaired, or for any person with a blood alcohol level of 0.10 percent, or above, to drive or be in the actual physical control of any vehicle within this state.

(2) Any person who is convicted of a violation of subsection (1) shall be punished:

(a) By a fine of:

1. Not less than \$250 nor more than \$500 for a first conviction.
2. Not less than \$500 nor more than \$1,000 for a second conviction.
3. Not less than \$1,000 nor more than \$2,500 for a third or subsequent conviction; and

(b) By imprisonment for:

1. Not more than 90 days for a first conviction.
2. Not more than 6 months for a second conviction.
3. Not more than 12 months for a third or subsequent conviction.

For purposes of this subsection, a previous conviction for violation of s. 316.1931 or former s. 860.01 shall be considered a previous conviction for violation of this section.

(3) The court shall require any person convicted of violating this section or s. 316.1931 to attend a substance abuse course specified by the court; and the agency conducting the course may refer the person to an authorized agency for substance abuse evaluation and treatment, in addition to any sentence or fine imposed under this section. Such person shall assume reasonable costs for such education, evaluation and treatment. "Substance abuse" means the abuse of alcohol or any substance named or described in Schedules 1 through V of s. 893.03. Whenever the authorized agency for substance abuse treatment is the same agency which conducts the substance abuse evaluation and education, that agency shall submit a quarterly statistical report, which shall be reviewed by the Traffic Court Review Committee to assure that excessive referrals to treatment have not been made. A programmatic

and statistical report shall be submitted annually to the Traffic Court Review Committee by each agency authorized to provide services under this act.

(4) With respect to any person convicted of a violation of subsection (1), regardless of any penalty imposed pursuant to subsection (2):

(a) For the first conviction thereof, the court shall order the defendant to participate in public service or a community work project for a minimum of 50 hours.

(b) For the second conviction within a period of 3 years from the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 10 days.

(c) For the third conviction within a period of 5 years from the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 30 days.

For purposes of this subsection, a previous conviction for violation of s. 316.1931 or former s. 860.01 shall be considered a previous conviction for violation of this section.

Section 3. Section 322.261, Florida Statutes, is renumbered as section 316.1932, Florida Statutes, and amended to read:

~~316.1932 322.261~~ *Test for impairment or intoxication; suspension of license for refusal to submit to test* ~~Suspension of license; chemical test for intoxication.~~—

(1)(a) Any person who shall accept the privilege extended by the laws of this state of operating a motor vehicle within this state shall by so operating such vehicle be deemed to have given his consent to submit to an approved chemical test of his breath for the purpose of determining the alcoholic content of his blood, *and to a urine test for the purposes of detecting the presence of controlled substances* if he is lawfully arrested for any offense allegedly committed while the person was driving *or was in actual physical control of a motor vehicle under the influence of alcoholic beverages or controlled substances.* The breath test shall be incidental to a lawful arrest and administered at the request of a law enforcement ~~peace~~ officer having reasonable cause to believe such person was driving *or was in actual physical control of a motor vehicle within this state while under the influence of alcoholic beverages.* The urine test shall be incidental to a lawful arrest and administered at a detention facility or any other facility mobile or otherwise which is equipped to administer such tests at the request of a law enforcement officer having reasonable cause to believe such person was driving *or was in actual physical control of a motor vehicle within this state while under the influence of controlled substances.* The urine test shall be administered at a detention facility or any other facility mobile or otherwise which is equipped to administer such tests in a reasonable manner that will insure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of either test shall not preclude the administration of the other test. Such person shall be told that his failure to submit to such a breath or urine ~~chemical~~ test, or both, will result in the suspension of his privilege to operate a motor vehicle for a period of 3 months for a first refusal, and a period of 6 months if the driving privilege of such person has been previously suspended as a result of a refusal to submit to such a test or tests. Refusal to submit to a chemical or breath or urine test upon request of a law enforcement officer as provided in this section shall be admissible into evidence in any criminal proceedings.

(b)1. Notwithstanding the provisions of this section, a law enforcement officer who has reason to believe that a person's ability to operate a motor vehicle is impaired by alcohol or any controlled substance and that the person has been operating a motor vehicle during the period of such impairment may, with the person's consent, give, or the person may demand, a prearrest breath test for the purpose of determining if said person is in violation of s. 316.193(1), but the taking of such prearrest breath test shall not be deemed a compliance with the provisions of paragraph (a). The results of any prearrest test administered under this ~~paragraph~~ section shall not be admissible into evidence in any civil or criminal proceeding. An analysis of a person's breath, in order to be considered valid under the provisions of this section, must have been performed *substantially* according to methods approved by the Department of Health and Rehabilitative Services. For this purpose, the department is authorized to approve satisfactory techniques or

methods. Any insubstantial differences between approved techniques and actual testing procedures in individual cases shall not render the test or test results invalid.

2. Prior to administering any prearrest breath test, a law enforcement officer shall advise the motor vehicle operator that he has the right to refuse to take such test, and, prior to administering such test, a law enforcement officer shall obtain the written consent of the motor vehicle operator.

(c) Any person whose consent is implied as provided in this section shall be deemed to have consented to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of controlled substances as provided herein if such person is admitted to a hospital, clinic, or other medical facility as a result of his involvement as a driver in a motor vehicle accident, and the administration of a breath or urine test is impractical or impossible. The blood test shall be performed in a reasonable manner. Any person who is incapable of refusal by reason of unconsciousness or other mental or physical condition shall be deemed not to have withdrawn his consent to such test. A blood test may be administered whether or not such person is told that his failure to submit to such a blood test will result in the suspension of his privilege to operate a motor vehicle upon the public highways of this state. Any such person whose blood is withdrawn while incapable of refusal by reason of unconsciousness or other mental or physical condition shall be advised as soon as practicable of such blood withdrawal and the intended use thereof; and further advised that he may withdraw consent for the use of such tests but such withdrawal of consent will result in the suspension of his driving privilege for a period of 3 months for a first refusal, and a period of 6 months if the driving privilege of such person has been previously suspended as a result of a refusal to submit to such a test or tests. Any other person who is capable of refusal shall be told that his failure to submit to such a blood test will result in the suspension of his privilege to operate a motor vehicle for a period of 3 months for a first refusal, and a period of 6 months if the driving privilege of such person has been previously suspended as a result of a refusal to submit to such a test or tests. Refusal to submit to a blood test upon request of a law enforcement officer or withdrawal of consent for the use of such test shall be admissible in evidence in any criminal proceeding. Any such person who is incapable of refusal by reason of unconsciousness or other mental or physical condition shall be deemed not to have withdrawn his consent to such test. Any such person whose consent is implied as hereinabove provided and who, during the period within which a test prescribed herein can be reasonably administered, or who, being admitted to a hospital as a result of his involvement as a driver in a motor vehicle accident, is so incapacitated as to render impractical or impossible the administration of the aforesaid test of his breath shall be deemed to have consented also to an approved blood test given as provided for herein and shall be deemed not to have withdrawn his consent therefor. Under the foregoing circumstances, a blood test may be administered whether or not such person is told that his failure to submit to such blood test will result in the suspension of his privilege to operate a motor vehicle upon the public highways of this state.

(d) If any such person refuses the officer's request to submit to any breath, urine, or blood or chemical test herein provided, the department, upon receipt of the officer's sworn statement that he had reasonable cause to believe such person had been driving or had been in actual physical control of a motor vehicle within this state while under the influence of alcoholic beverages or controlled substances and that the person had refused to submit to such the test or tests after being requested by the officer, shall suspend his privilege to operate a motor vehicle for a period of 3 months. If the driving privilege of such person has been previously suspended for refusing to submit to such test or tests, the department shall suspend his privilege to operate a motor vehicle for a period of 6 months. No suspension shall become effective until 10 days after the giving of written notice thereof, as provided for in paragraph (e).

(e) The department shall immediately send notification to such person, in writing by certified mail to his last known address furnished to the department, of the action taken and of his right to petition for hearing as hereinafter provided and to be represented at the hearing by legal counsel. Such mailing by the department will constitute notification as required by this section, and any failure by the person to receive such noti-

fication will not affect or stay such suspension order. Upon his petition in writing, a copy of which he shall forward to the department, being filed within 10 days from the date of receipt of the notice, directed to the ~~municipal, county, or state~~ court having trial jurisdiction of the offense for which he shall stand charged such person shall be afforded an opportunity for a hearing at a time to be set by the court, which hearing date shall be within 20 days of the filing of the petition with the court. It shall be the responsibility of the clerk of the court to schedule the hearing and to give proper notice to the petitioner and to the state attorney. If the person fails to appear for the hearing, the clerk of the court shall immediately notify the department, which shall suspend the persons' license for a period of 3 months or a period of 6 months if the driving privilege of such person has been previously suspended for a refusal to submit to such test or tests. For the purposes of this section, the question of whether such person lawfully refused to take a chemical test or tests as provided for by this law and the issues determinative shall be:

1. Whether the arresting law enforcement ~~peace~~ officer had reasonable cause to believe the person had been driving or had been in actual physical control of a motor vehicle in this state while under the influence of alcoholic beverages or controlled substances ~~beverage~~;

2. Whether the person was placed under lawful arrest;

3. Whether the person refused to submit to any such the test after being requested by a law enforcement ~~peace~~ officer or withdrew consent to the use of a blood test administered pursuant to paragraph (c); and

4. Whether, except for the person described in paragraph (e) above, he had been told that his privilege to operate a motor vehicle would be suspended for a period of 3 months if he refused to submit to such the test or if he withdrew consent for the use of a blood test administered pursuant to paragraph (c), or for a period of 6 months if the driving privilege of such person has been previously suspended for a refusal to submit to or for a withdrawal of consent to the use of such test.

(f) A petition for a hearing provided in paragraph (e), filed by the affected person within 10 days of receiving notice of the department's action, shall operate to stay the suspension of the department for the period provided for the said hearing. If the trial court fails to afford the hearing within the time herein prescribed, the suspension shall not take place until such time as the person has been granted such hearing. If within the prescribed hearing period the person affected requests a continuance of the hearing to a date beyond the expiration of the prescribed hearing period, the suspension shall become effective on the day immediately following the prescribed period or immediately upon receipt of the court's notice that the request for continuance has been granted, whichever is the later. In every event, the court shall forthwith rule on the question herein prescribed and forward a copy of its decision to the department.

(g) If the court determines upon the hearing that the suspension herein provided is according to law and should be sustained, the person's driving privileges shall forthwith be suspended by order of the court, and his license shall forthwith be delivered to the court and forwarded to the department.

(h) If the arresting officer does not request a chemical test of the person arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle under the influence of alcoholic beverages or controlled substances, such person may request the arresting officer to have a chemical test made of the arrested person's breath, urine or blood for the purpose of determining the alcoholic content of the person's blood or the presence of controlled substances, and, if so requested, the arresting officer shall have the test performed.

(i) Warning of the consent provision of this section shall be printed above the signature line on each new or renewed driver's license issued after the effective date of this act.

(j) By applying for a driver's license and by accepting and using a driver's license, the person holding the driver's license shall be deemed to have expressed his consent to the provisions of this section.

(k) A nonresident or any other person driving in a status exempt from the requirements of the driver's license law shall

by his act of driving in such exempt status be deemed to have expressed his consent to the provisions of this section.

(2)(a) The tests ~~test~~ determining the weight of alcohol in the defendant's blood shall be administered at the direction of the arresting officer *substantially* in accordance with rules and regulations which shall have been adopted by the Department of Health and Rehabilitative Services. Such rules and regulations shall be adopted after public hearing, and shall specify precisely the test or tests which are approved by said Department of Health and Rehabilitative Services for reliability of result and facility of administration and shall provide an approved method of administration which shall be followed in all such tests given under this section.

(b) Only a physician, registered nurse, or duly licensed clinical laboratory technologist or clinical laboratory technician, or a paramedic certified as provided in s. 401.47 who is present at the scene of an accident for the purpose of rendering emergency medical service or treatment, acting at the request of a law enforcement ~~peace~~ officer, may withdraw blood for the purpose of determining the alcoholic content or presence of controlled substances therein. ~~Such withdrawal of blood shall be performed only at a hospital, clinic, or other medical facility. This limitation shall not apply to the taking of a breath specimen.~~

(c) The person tested may, at his own expense, have a physician, registered nurse, duly licensed clinical laboratory technologist or clinical laboratory technician, or any other person of his own choosing administer a test in addition to a test administered at the direction of a law enforcement ~~peace~~ officer for the purpose of determining the amount of alcohol in his blood or the presence of controlled substances at the time alleged as shown by chemical analysis of his blood, urine, or breath. The failure or inability to obtain an additional test by a person shall not preclude the admissibility in evidence of the test taken at the direction of a law enforcement ~~peace~~ officer.

(d) Upon the request of the person tested, full information concerning the test taken at the direction of the law enforcement ~~peace~~ officer shall be made available to him or his attorney.

(e) No hospital, clinical laboratory, medical clinic, or similar medical institution or physician, registered nurse, or duly licensed clinical laboratory technologist or clinical laboratory technician or paramedic certified as provided in s. 401.47, shall incur any civil or criminal liability as a result of the proper withdrawal or analysis of a blood, urine, or breath specimen when requested ~~in writing~~ by a law enforcement ~~peace~~ officer.

(3) The results of any test administered pursuant to this section for the purpose of detecting the presence of any controlled substance shall not be admissible as evidence in a criminal prosecution for the possession of a controlled substance.

Section 4. Section 316.1933, Florida Statutes, is created to read:

#### 316.1933 Blood test for impairment or intoxication.—

(1) Notwithstanding any recognized ability to refuse to submit to the tests provided in s. 316.1932 or any recognized power to revoke the implied consent to such tests, if a law enforcement officer has probable cause to believe that a motor vehicle driven by or in the actual physical control of a person while under the influence of alcoholic beverages or controlled substances has caused the death or serious bodily injury of a human being, such person shall submit, upon request of a law enforcement officer, to a test of his blood for the purpose of determining the alcoholic content of his blood or the presence of controlled substances. The law enforcement officer may use reasonable force if necessary to require such person to submit to the administration of the blood test. The blood test shall be performed in a reasonable manner. "Serious bodily injury" means a physical condition which creates a substantial risk of death or serious, personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(2) Only a physician, registered nurse, or duly licensed clinical laboratory technologist or clinical laboratory technician, or a paramedic certified as provided in s. 401.47 who is present at the scene of an accident for the purpose of rendering emergency medical service or treatment, acting at the request of

a law enforcement officer, may withdraw blood for the purpose of determining the alcoholic content therein or the presence of controlled substances.

(3) Chemical analyses of the person's blood to determine the alcoholic content of his blood must have been performed substantially in accordance with methods approved by the Department of Health and Rehabilitative Services and by an individual possessing a valid permit issued by the department for this purpose. The Department of Health and Rehabilitative Services is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the Department of Health and Rehabilitative Services.

(4) Any criminal charge resulting from the incident giving rise to the officer's demand for testing shall be tried concurrently with a charge of any violation arising out of the same incident, unless in the discretion of the court such charges should be tried separately. If such charges are tried separately, the fact that such person refused, resisted, obstructed, or opposed testing shall be admissible at the trial of the criminal offense which gave rise to the demand for testing.

(5) No hospital, clinical laboratory, medical clinic, or similar medical institution or physician, registered nurse, paramedic certified under s. 401.47, or duly licensed clinical laboratory technologist or clinical laboratory technician shall incur any civil or criminal liability as a result of the proper withdrawal or analysis of a blood specimen when requested by a law enforcement officer.

(6) The results of any test administered pursuant to this section for the purpose of detecting the presence of any controlled substance shall not be admissible as evidence in a criminal prosecution for the possession of a controlled substance.

Section 5. Section 322.262, Florida Statutes, is renumbered as section 316.1934, Florida Statutes, and amended to read:

#### 316.1934 ~~322.262~~ Presumption of impairment ~~intoxication~~; testing methods.—

(1) It is unlawful and punishable as provided in this chapter and in s. 316.193 for any person who is under the influence of alcoholic beverages or controlled substances, when affected to the extent that his normal faculties are impaired, to drive or be in actual physical control of any motor vehicle within this state.

(2) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving, or in actual physical control of, a vehicle while under the influence of alcoholic beverages or controlled substances, when affected to the extent that his normal faculties were impaired or to the extent that he was deprived of full possession of his normal faculties, the results of any test administered in accordance with s. 316.1932 or s. 316.1933 ~~or 322.261~~ and this section shall be admissible into evidence when otherwise admissible, and the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood or breath shall give rise to the following presumptions:

(a) If there was at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of alcoholic beverages to the extent that his normal faculties were impaired.

(b) If there was at that time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of alcoholic beverages to the extent that his normal faculties were impaired, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcoholic beverages to the extent that his normal faculties were impaired.

(c) If there was at that time 0.10 percent or more by weight of alcohol in the person's blood, it shall be prima facie evidence that the person was under the influence of alcoholic beverages to the extent that his normal faculties were impaired. Moreover, such person who has a blood alcohol level of 0.10 percent or above shall be guilty of driving, or being in actual physical control of, a motor vehicle, with an unlawful blood alcohol level.



(d) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 milliliters of blood.

(e) The foregoing provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of alcoholic beverages to the extent that his normal faculties were impaired.

(3) Chemical analyses of the person's blood to determine alcoholic content or chemical analyses of a person's breath, in order to be considered valid under the provisions of this section, must have been performed substantially in accordance with ~~according to~~ methods approved by the Department of Health and Rehabilitative Services and by an individual possessing a valid permit issued by the department for this purpose. *Any insubstantial differences between approved techniques and actual testing procedures in individual cases shall not render the test or test results invalid.* The Department of Health and Rehabilitative Services is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation in accordance with rules adopted by ~~at the discretion of~~ the Department of Health and Rehabilitative Services.

(5)(4) Any person charged with driving a motor vehicle while under the influence of ~~alcoholic intoxicating~~ beverages or controlled substances to the extent that his normal faculties were impaired, whether in a municipality or not, shall be entitled to trial by jury according to the Florida Rules of Criminal Procedure.

Section 6. Subsection (4) of section 316.066, Florida Statutes, is amended to read:

316.066 Written reports of accidents.—

(4) All accident reports made by persons involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other state agencies having use of the records for accident prevention purposes, except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident, and except that the department shall disclose the final judicial disposition of the case indicating which if any of the parties were found guilty. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has, or claims to have, made such a report or upon demand of any court a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirements that such a report be made to the department. *The results of breath, urine, and blood tests administered as provided in s. 316.1932 or s. 316.1933 shall not fall within the confidential privilege afforded by this subsection but shall be admissible into evidence in accordance with the provisions of s. 316.1934(2).*

Section 7. Subsection (3) of section 318.17, Florida Statutes, is amended to read:

318.17 Offenses excepted.—No provision of this chapter shall be available to persons charged with the following offenses:

(3) Driving, or being in actual physical control of, any vehicle while under the influence of alcoholic beverages, model glue, or any substance controlled under chapter 893, in violation of s. 316.193 or s. ~~316.1931~~ ~~860.01~~, or driving with an unlawful blood alcohol level;

Section 8. Paragraph (a) of subsection (1) and subsection (2) of section 322.271, Florida Statutes, are amended to read:

322.271 Authority to modify revocation or suspension.—

(1)(a) Upon the suspension, cancellation, or revocation of the driver's license of any person as authorized or required in this chapter, except a person whose license is revoked as a habitual traffic offender under s. 322.27(5) *or a person who is ineligible to be granted the privilege of driving on a limited or restricted basis under subsection (2),* the department shall immediately notify the licensee, and upon his request shall afford him an opportunity for a hearing pursuant to chapter 120, as early as practical within not to exceed 30 days after receipt of such request, in the county wherein the licensee

resides, unless the department and the licensee agree that such hearing may be held in some other county. In making its determination, the department may require a reexamination of the licensee.

(2) Upon such hearing the person whose license has been suspended, canceled or revoked, may show that such cancellation, suspension or revocation of his license causes a serious hardship and precludes his carrying out his normal business occupation, trade, or employment, and that the use of his license in the normal course of his business is necessary to the proper support of himself or his family. The department shall require proof of a successful completion of an approved driver training or ~~substance abuse alcohol~~ education course, and may require letters of recommendation from respected businessmen in the community, law enforcement officers or judicial officers in determining whether such person should be permitted to operate a motor vehicle on a restricted basis for business use only and in determining whether such person can be trusted to so operate a motor vehicle. *The privilege of driving on a limited or restricted basis for business or employment use shall not be granted to a person who has been convicted of a violation of s. 316.193 or s. 316.1931 until completion of such education or training course. The privilege of driving on a limited or restricted basis for business or employment use shall not be granted to a person who has been convicted of a violation of s. 316.193, 316.1931, or former s. 860.01, or any combination of such sections, two or more times or whose license has been suspended two or more times for refusal to submit to a test under s. 316.1932.*

Section 9. Section 322.28, Florida Statutes, is amended to read:

322.28 Period of suspension or revocation.—

(1) The department shall not suspend a license for a period of more than 1 year and, upon revoking a license, in all cases except in prosecutions for the offense of driving a motor vehicle while under the influence of ~~alcoholic beverages or controlled substances intoxicating liquor~~, shall not in any event grant a new license until the expiration of 1 year after such revocation, except as provided herein.

(2) In prosecutions for the offense of driving a motor vehicle with an unlawful blood alcohol level; ~~as defined in s. 316.193(2),~~ or while under the influence of alcoholic beverages or controlled substances to the extent that normal faculties are impaired, as defined in s. 316.193(1), the following provisions shall apply:

(a) Upon conviction of a driver, the court, along with imposing sentence, shall revoke the driver's license or driving privilege of the person so convicted and shall prescribe the period of such revocation in accordance with the following provisions:

1. Upon first conviction for a violation of the provisions of s. 316.193 of the offense of driving with an unlawful blood alcohol level as described in s. 316.193(2), the driver's license or privilege shall be revoked for not less than 30 days or more than 90 days, and for the first conviction of the offense of driving while under the influence, as described in s. 316.193(1), the driver's license or privilege shall be revoked for not less than 180 90 days or more than 1 year. ~~However, the court may, as part of the sentence, restrict the driver's license or privilege to such driving as is required to get to and from work and any necessary on-the-job driving required by the employer or occupation. If such restriction is a part of the sentence, the court shall require the defendant to enroll in, and successfully complete, a driver improvement course for the rehabilitation of drinking drivers, and any driving necessary for completion of such drinking driver rehabilitation course shall be allowed under the license restriction. No pleasure, recreational, or other driving shall be permitted by such restriction, and any conviction for violation of such restriction shall be punishable by mandatory imprisonment for a period of 10 days and revocation of the driver's license or privilege for the period imposed in the original sentence. The 10 day mandatory imprisonment requirement shall not be applicable to persons 17 years of age or younger. In lieu of such 10 day imprisonment, the court may order any other sanctions normally available to the court.~~

2. Upon a second conviction within a period of 5 years from the date of a prior conviction for a violation of the provisions of s. 316.193 or s. 316.1931 or a combination of such sections ~~316.193(1) or (2), or a combination of said subsections,~~ the driver's license or privilege shall be revoked for not less than ~~5 years 6 months or more than 24 months.~~



3. Upon a third ~~or subsequent~~ conviction within a period of 10 5 years from the date of conviction of the first of three or more convictions for the violation of the provisions of s. 316.193 or s. 316.1931 or a combination of such sections ~~316.193(1) or (2), or a combination of said subsections, the driver's license or privilege shall be revoked for not less than 10 years 1 year or more than 5 years, as provided in s. 322.27(5).~~

For the purposes of this paragraph, a conviction for violation of former s. 860.01 shall be considered a conviction for violation of s. 316.1931.

(b) If the period of revocation shall not be specified by the court at the time of imposing sentence or within 30 days thereafter, the department shall forthwith revoke the driver's license or privilege for the maximum period applicable under paragraph (2)(a) for a first conviction, and for the minimum period applicable under paragraph (2)(a) for any subsequent convictions. The driver may, within 30 days of such revocation by the department, petition the court for further hearing on the period of revocation, and the court shall be authorized in such case, at its discretion, to reopen the case and to determine the period of revocation within the limits specified in paragraph (2)(a).

(c) Any person having his license revoked or suspended by the department may, during the period of said revocation or suspension, apply to the department for review of said revocation or suspension and restoration of his driving privileges. Upon receipt of said application the department shall provide for a hearing after notice to said applicant within 30 days and may, after said hearing and such investigation as may be made, restore the driving privileges subject to such conditions and restrictions as the department may deem proper which shall not extend beyond the original period of revocation or suspension.

(c)(4) The forfeiture of bail bond, not vacated within 20 days, in any prosecution for the offense of driving while under the influence of alcoholic beverages or controlled substances intoxicating liquor to the extent of depriving the defendant of his or her normal faculties, shall be deemed equivalent to a conviction for the purposes of this paragraph, and the department shall forthwith revoke the defendant's driver's license or privilege for the maximum period applicable under paragraph (2)(a) for a first conviction, and for the minimum period applicable under paragraph (2)(a) for a second or subsequent conviction; however, if the defendant is later convicted of the charge, the period of revocation imposed by the department for such conviction shall not exceed the difference between the applicable maximum for a first conviction or minimum for a second or subsequent conviction and the revocation period under this subsection that has actually elapsed; upon conviction of such charge, the court may impose revocation for a period of time as specified in paragraph (2)(a); however, if the defendant shall subsequently be convicted of said charge, the period of revocation for such conviction shall not exceed the difference between the applicable maximum under paragraph (2)(a) and the period imposed under this subsection that shall have actually expired. This paragraph shall not apply if an appropriate motion contesting the forfeiture is filed within the 20-day period.

(d)(e) When any driver's license or privilege has been revoked pursuant to the provisions of this section, the department shall not grant a new license, except upon reexamination of the licensee after until the expiration of the period of revocation so prescribed. However, the department shall issue a temporary driver's permit to a licensee presenting proof of completion of a department-approved driver training or substance abuse education course and a court order for reinstatement and a written request for a hearing established in s. 322.271, provided a record check by the department shows no other convictions for driving a motor vehicle while having an unlawful blood alcohol level or while under the influence of alcoholic beverages to the extent that normal faculties are impaired and that the person is otherwise entitled to the issuance of a driver's license. Such a temporary driver's permit shall be restricted to business or employment purposes and to any necessary driving for the completion of a drinking driver rehabilitation course only and shall not be used for pleasure, recreational, or nonessential driving. Should the department determine at a later date from its records that the applicant has previously been convicted for the offense of driving of a motor vehicle while having an unlawful blood alcohol level or while under the influence of alcoholic beverages to the extent that normal faculties are impaired, the permit issued under this section shall be cancelled. Upon administrative hearing, if the department determines the applicant is not eligible for modification of revoca-

tion, the permit shall be cancelled, and the original revocation imposed by the court shall be reimposed. A temporary permit issued under this section shall be valid for 45 days unless cancelled as herein provided.

(e)(f) The period of time for which a temporary permit issued in accordance with paragraph (d) (e) is valid shall be deemed to be part of the period of revocation imposed by the court.

(f) No driver's license or driving privilege shall be issued or granted to a person who has been convicted four times for violation of s. 316.193 or s. 316.1931 or a combination of such sections, nor shall such permit or license be issued to a person who has been convicted of manslaughter resulting from the operation of a motor vehicle and who has been convicted of a violation of s. 316.193 or s. 316.1931. For the purposes of this paragraph, a conviction for violation of former s. 860.01 shall be considered a conviction for violation of s. 316.1931.

(3) Upon conviction of a person for a violation of s. 322.34, the license or driving privilege, if suspended, shall be suspended for 3 months in addition to the period of suspension previously imposed and, if revoked, the time after which a new license may be issued shall be delayed 3 months.

(4) If, in any case arising under this section, a licensee, after having been given notice of suspension or revocation of his license in the manner provided in s. 322.251, fails to surrender to the department a license theretofore suspended or revoked, as required by s. 322.29, or fails otherwise to account for the license to the satisfaction of the department, the period of suspension of the license, or the period required to elapse after revocation before a new license may be issued, shall be extended until, and shall not expire until, a period has elapsed after the date of surrender of the license, or after the date of expiration of the license, whichever occurs first, which is identical in length with the original period of suspension or revocation.

Section 10. Section 322.291, Florida Statutes, is amended to read:

322.291 Driver improvement schools; required in certain suspension and revocation cases.—Any person:

(1) Whose driving privilege has been revoked:

(a) Upon conviction for:

1. Driving, or being in actual physical control of, any vehicle while under the influence of alcoholic beverages, model glue, or any substance controlled under chapter 893, in violation of s. 316.193 or s. 316.1931 860.01; or

2. Driving with an unlawful blood alcohol level; or

(b) As a habitual offender; or

(2) Whose license was suspended under the point system shall, before the driving privilege may be reinstated, in addition to passing the complete driver's license examination, present to the department proof of enrollment in a department-approved driver training or substance abuse alcohol education course. If the person fails to complete such course within 90 days after reinstatement, the driver's license shall be cancelled by the department until such course is successfully completed.

Section 11. Paragraphs (a) and (b) of subsection (1) of Article IV of section 322.44, Florida Statutes, are amended to read:

322.44 Driver License Compact.—The Driver License Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

#### ARTICLE IV

##### EFFECT OF CONVICTION.—

(1) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III, as it would if such conduct had occurred in the home state, in the case of convictions for:

(a) Manslaughter or negligent homicide resulting from the operation of a motor vehicle, as provided by ss. 316.1931 ~~860.01~~ and 322.26;

(b) Driving a motor vehicle while under the influence of alcoholic beverages or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle, as provided by ss. 316.1931 ~~860.01~~ and 316.193;

Section 12. Subsection (2) of section 322.12, Florida Statutes, is amended to read:

322.12 Examination of applicants.—

(2) Such examination shall be held in the county where the applicant resides. It shall include a test of the applicant's eyesight; his ability to read and understand highway signs regulating, warning, and directing traffic; ~~and his knowledge of the traffic laws of this state including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood alcohol level, and driving while intoxicated; and his knowledge of the effects of alcohol and controlled substances upon persons and the dangers of driving a motor vehicle under the influence of alcohol or controlled substances;~~ and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

Section 13. Subsection (1) of section 322.281, Florida Statutes, is amended to read:

322.281 Mandatory adjudication.—

(1) Notwithstanding the provisions of s. 948.01, no court shall suspend, defer, or withhold adjudication of guilt or imposition of sentence for any violation of s. 316.193 or s. 316.1931 ~~the offense of driving, or being in actual physical control of, a motor vehicle while having an unlawful blood alcohol level or while under the influence of alcoholic beverages, model glue, or any substance controlled by chapter 803.~~

Section 14. This act shall take effect July 1, 1982.

**Amendment 3**—On page 1, strike the entire title and insert: A bill to be entitled An act relating to driving while impaired; creating s. 316.1933, Florida Statutes; amending and renumbering ss. 860.01, 322.261, 322.262, Florida Statutes; amending ss. 316.193, 316.066(4), 316.072(4)(b), 318.17(3), 322.271(1)(a), (2), 322.28, 322.291, 322.44(IV)(1)(a), (b), 322.12(2), 322.281(1), Florida Statutes; prohibiting driving while intoxicated, under the influence of alcohol or controlled substances, or with an unlawful blood alcohol level; providing penalties; requiring persons to attend substance abuse courses; authorizing reference for evaluation and treatment; providing for test for impairment or intoxication; specifying consequences of refusal to submit to test; providing for suspension of driving privilege; providing for consent to blood test under certain circumstances; providing immunity from liability in certain circumstances; limiting admissibility of test results; providing for use of reasonable force in specified circumstances; providing presumptions; providing testing methods; providing for temporary driving permit in specified circumstances; specifying period of suspension or revocation; providing for examination of applicants for driver's license; providing for mandatory adjudication; conforming language; providing an effective date.

On motions by Senator Jenne, the Senate concurred in the House amendments.

CS for CS for CS for SB's 69, 432, 312, 351, 39 and 285 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	McClain	Stevens
Anderson	Henderson	McKnight	Stuart
Beard	Hill	Neal	Thomas
Carlucci	Jenne	Peterson	Tobiasen
Childers, D.	Johnston	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Ware
Gersten	Lewis	Scott	
Gordon	Margolis	Skinner	
Grizzle	Maxwell	Steinberg	

Nays—None

The bill was ordered engrossed and then enrolled.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments—

CS for SB 166—A bill to be entitled An act relating to sexual battery; creating s. 794.07, Florida Statutes; requiring the Bureau of Crimes Compensation of the Division of Worker's Compensation of the Department of Labor and Employment Security to pay the medical expenses of initial physical examinations of victims of sexual battery under specified circumstances; limiting amount of payment; prescribing the powers and duties of the bureau with respect to claims; providing for confidentiality of records; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On pages 1 and 2, strike everything after the enacting clause, and insert:

Section 1. Section 794.07, Florida Statutes, is created to read:

794.07 Payment for victim's initial examinations.—The Bureau of Crimes Compensation of the Division of Workers' Compensation of the Department of Labor and Employment Security shall pay for medical expenses connected with an initial physical examination of any victim who reports a violation of this chapter to a law enforcement officer, unless such victim is covered by health or disability insurance. In the event that the insurance company does not cover the full amount, the bureau shall provide the balance up to a maximum of \$150. The payment shall be made only out of moneys allocated to the Bureau of Crimes Compensation for the purposes of this section, and the payment shall not exceed \$150 with respect to any violation. No payment shall be made for any physical examination unless the law enforcement officer certifies in writing that, based upon his investigation and the results of the physical examination by a physician or other medically trained personnel qualified under chapter 464, excluding s. 464.003(5); chapter 458; and chapter 459, he reasonably believes that an offense under this chapter has been committed and that the claimant is the victim of such offense. The Bureau of Crimes Compensation shall have the authority to allow, deny, controvert, and litigate claims made against it pursuant to this section. Further, the payment shall not be made to the victim if the victim has not paid the bill rendered by the medical provider, and said payment, in such event, may be made directly to the medical provider. Any defendant who pleads guilty or nolo contendere to, or is convicted of, any violation of this chapter shall be ordered by the court to make restitution to the Crimes Compensation Trust Fund in an amount equal to the compensation paid to the victim or medical provider by the Bureau of Crimes Compensation for the cost of the initial examination. Records relating to payments made under this section are confidential and are exempt from the provisions of s. 119.012. Further, any payment for medical expenses under this section is contingent upon the victim's agreement to bring charges of a violation of this chapter and to appear as a witness at any prosecution of such violation.

Section 2. The sum of \$501,000 is appropriated from the Crimes Compensation Trust Fund in the Bureau of Crimes Compensation for fiscal year 1982-1983 pursuant to s. 794.07, Florida Statutes. Funds allocated pursuant to this section may not be used for any purpose other than the purposes specified in s. 794.07, Florida Statutes.

Section 3. Subsection (2) of section 741.01, Florida Statutes, is amended to read:

741.01 County Court judge or clerk of the circuit court to issue marriage license; fee.—

(2) The fee charged for each marriage license issued in the state shall be increased by the sum of \$10 \$5. This fee shall be collected upon receipt of the application for the issuance of a marriage license. The Executive Office of the Governor shall establish a trust fund for the purpose of collection and disbursing funds generated from the increase in marriage license fees. Such funds generated shall be directed to the Department of Health and Rehabilitative Services for the specific purpose of funding spouse abuse centers, and the funds shall be appropriated in a "grants-in-aid" category to

the Department of Health and Rehabilitative Services, Aging and Adult Services, for the purpose of funding spouse abuse centers.

Section 4. Subsection (5) of section 409.605, Florida Statutes, is hereby repealed.

Section 5. This act shall take effect July 1, 1982.

**Amendment 2**—On page 1 in the title, lines 1-13, strike the entire title and insert: A bill to be entitled An act relating to sexual battery; creating s. 794.07, Florida Statutes; requiring the Bureau of Crimes Compensation of the Division of Workers' Compensation of the Department of Labor and Employment Security to pay the medical expenses of initial physical examinations of victims of sexual battery under specified circumstances; limiting amount of payment; prescribing the powers and duties of the Bureau of Crimes Compensation with respect to claims; providing for restitution of amount of such compensation by a defendant who pleads guilty or nolo contendere to or is convicted of violation of chapter 794; amending s. 741.01(2), Florida Statutes, increasing that portion of the marriage license fee earmarked for spouse abuse centers; repealing s. 409.605(5), Florida Statutes, removing the cap on funding for spouse abuse centers; providing an appropriation, providing an effective date.

On motions by Senator Kirkpatrick, the Senate concurred in the House amendments.

CS for SB 166 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Grizzle	Maxwell	Skinner
Anderson	Henderson	McClain	Steinberg
Beard	Hill	McKnight	Stevens
Carlucci	Jenne	Neal	Stuart
Childers, D.	Johnston	Peterson	Thomas
Dunn	Kirkpatrick	Poole	Tobiasen
Frank	Langley	Rehm	Trask
Gersten	Lewis	Renick	Vogt
Gordon	Margolis	Scott	Ware

Nays—None

The bill was ordered engrossed and then enrolled.

Consideration of Senate Bills 216, 387, 576; House Bills 971, 287, Senate Bills 506, 772 and HB 931 was deferred.

CS for SB 743 by the Committee on Health and Rehabilitative Services and Senator Tobiasen was read the first time by title and SB 743 was laid on the table.

On motion by Senator Tobiasen, the rules were waived and by two-thirds vote CS for HB 728 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Tobiasen—

CS for HB 728—A bill to be entitled An act relating to hospitals; prohibiting certain hospitals from requiring payment prior to rendering emergency medical care under certain circumstances; providing for the patient's indebtedness for such medical care; providing an effective date.

—a companion measure was substituted for CS for SB 743 and read the second time by title. On motion by Senator Tobiasen, by two-thirds vote CS for HB 728 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Grizzle	Kirkpatrick	Skinner
Anderson	Hair	Langley	Steinberg
Beard	Henderson	Lewis	Stevens
Carlucci	Hill	McClain	Thomas
Childers, D.	Jenkins	McKnight	Tobiasen
Dunn	Jenne	Rehm	Trask
Gersten	Johnston	Renick	

Nays—1

Margolis

Vote after roll call:

Yea—Neal, Vogt

Nay to Yea—Margolis

CS for SB 743 was laid on the table.

Consideration of SB 365 was deferred.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1129 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Natural Resources—

**HB 1129**—A bill to be entitled An act relating to game and freshwater fish; amending s. 372.57(4)(e), Florida Statutes, defining the term "totally and permanently disabled persons"; amending s. 372.573(2), Florida Statutes, conforming language; amending s. 372.574, Florida Statutes, authorizing the county tax collector and agents appointed by him to sell fishing, hunting, and trapping permits as well as licenses; including reference to permits where appropriate; amending s. 372.61, Florida Statutes, providing that license fees and other fees which must be paid pursuant to the chapter shall be remitted by the several county tax collectors by the fifteenth of each month; providing an effective date.

On motion by Senator Thomas, by unanimous consent, HB 1129 was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Thomas, the rules were waived and by two-thirds vote HB 1129, a companion measure, was withdrawn from the Committee on Rules and Calendar and substituted for SB 764.

On motions by Senator Thomas, by two-thirds vote HB 1129 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Hair	Margolis	Skinner
Anderson	Henderson	McClain	Steinberg
Beard	Hill	McKnight	Stevens
Carlucci	Jenkins	Neal	Stuart
Childers, D.	Jenne	Peterson	Thomas
Frank	Johnston	Poole	Tobiasen
Gersten	Kirkpatrick	Rehm	Trask
Gordon	Langley	Renick	Vogt
Grizzle	Lewis	Scott	

Nays—None

SB 764 was laid on the table.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 783 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Thompson—

**HB 783**—A bill to be entitled An act relating to registration of vessels; amending ss. 327.11(1), (2), (8) and (9) and 327.25(5), Florida Statutes; changing the word "boat" to "vessel"; specifying that the renewal period for registration begins June 1; allowing tax collectors to issue duplicate certificates and new

certificates when the classification of a vessel changes; extending the renewal period from July 1 to July 15; providing an effective date.

On motion by Senator Thomas, by unanimous consent, HB 783 was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Thomas, the rules were waived and by two-thirds vote HB 783, a companion measure, was withdrawn from the Committee on Rules and Calendar and substituted for SB 925.

On motions by Senator Thomas, by two-thirds vote HB 783 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—36

Mr. President	Grizzle	Margolis	Skinner
Anderson	Hair	Maxwell	Steinberg
Beard	Henderson	McClain	Stevens
Carlucci	Hill	McKnight	Stuart
Childers, D.	Jenne	Neal	Thomas
Dunn	Johnston	Peterson	Tobiasen
Frank	Kirkpatrick	Poole	Trask
Gersten	Langley	Rehm	Vogt
Gordon	Lewis	Scott	Ware

## Nays—None

Vote after roll call:

Yea—Renick

SB 925 was laid on the table.

Consideration of Senate Bills 415, 158, 330 and HB 500 was deferred.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 971 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committees on Finance & Taxation, Mining & Reclamation (Select), and Representative Haben and others—

CS for HB 971—A bill to be entitled An act relating to phosphate mining; amending s. 211.3103(1), (2), and (3), Florida Statutes, and adding a subsection, relating to the phosphate severance tax; revising the distribution of the proceeds of such tax; providing that the proceeds to counties may be reduced by the value of certain donations of property; amending s. 211.33 (2)(a), (d), and (e), Florida Statutes, requiring additional information in solid minerals producers' annual tax returns; providing a specific rate of interest to be assessed on certain delinquent taxes; authorizing the Department of Revenue to settle or compromise certain penalties or interest; adding subsections to s. 378.031, Florida Statutes, limiting approval time for certain land reclamation programs; authorizing the purchase or acquisition of certain lands for outdoor recreational purposes from funds in the Nonmandatory Land Reclamation Trust Fund; providing an effective date.

On motion by Senator Peterson, by unanimous consent, CS for HB 971 was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Peterson, by two-thirds vote CS for HB 971, was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Peterson, by two-thirds vote CS for HB 971 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—34

Mr. President	Barron	Carlucci	Frank
Anderson	Beard	Dunn	Gersten

Grizzle  
Hair  
Henderson  
Hill  
Jenkins  
Jenne  
Kirkpatrick

Langley  
Lewis  
Margolis  
Maxwell  
McClain  
McKnight  
Neal

Peterson  
Rehm  
Renick  
Skinner  
Steinberg  
Stevens  
Stuart

Thomas  
Tobiasen  
Trask  
Vogt  
Ware

## Nays—3

Childers, D.      Gordon      Johnston

Vote after roll call:

Yea to Nay—Henderson

On motion by Senator McClain, the rules were waived and by two-thirds vote the following message was withdrawn from the Committee on Rules and Calendar:

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 585—A bill to be entitled An act relating to voting methods and procedures; amending ss. 101.011(6), 101.5608(1), Florida Statutes; providing procedures that an elector must follow in marking a ballot card on which the offices and measures are not printed; providing that an elector may cover the completed ballot with the portion on which write-in votes may be cast; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 1, line 14, strike everything after the enacting clause and insert:

Section 1. Section 103.121 (1)(g), F.S., is amended and s. 103.121 (5), F.S., is created to read:

103.121 Powers and duties of executive committees.—

(1) Each state and county executive committee of a political party shall have the power and duty:

(g) To make any assessment it requires of candidates, for the purpose of meeting its expenses or maintaining its party organization. However, no executive committee shall levy an assessment to exceed 2 percent of the annual salary of the office sought by the candidate. Within 5 days after adoption, the state executive committee shall deliver a certified copy of its assessment resolution to the Department of State, and the county executive committee shall deliver a certified copy of its assessment resolution to the supervisor of elections. *Except as otherwise provided in subsection (5)*, the county executive committee shall have exclusive power to levy and receive payment of assessments upon candidates to be voted for in a single county except state senators and members of the House of Representatives and representatives to the Congress of the United States, and the state executive committees shall have exclusive power to levy all other assessments authorized. If any executive committee fails to meet and levy party assessments, such assessments shall be 2 percent of the annual salary of the office sought by the respective candidate.

(5) *The central committee or other equivalent governing body of each state executive committee shall, no later than May 15, 1982, adopt a rule which governs the time and manner in which the respective county executive committees of such party may endorse, certify, screen, or otherwise recommend one or more candidates for such party's nomination for election. Upon adoption, such rule shall provide the exclusive method by which a county committee may so endorse, certify, screen, or otherwise recommend. No later than the date on which qualifying for public office begins pursuant to s. 99.061, Florida Statutes, the chairman of each county executive committee shall notify in writing the supervisor of elections of his county whether said county executive committee has endorsed or intends to endorse, certify, screen, or otherwise recommend candidates for nomination pursuant to party rule. A copy of said notification shall be provided to the secretary of state and the chairman of the appropriate state executive committee. Any county executive committee that endorses, or intends to endorse, certify, screen, or otherwise recommend*

one or more candidate for nomination, in violation of state party rule, shall forfeit all party assessments which would otherwise be returned to said county executive committee pursuant to (1)(g) and shall be remitted instead to the state executive committee of said party, the provisions of (1)(g) to the contrary notwithstanding. No such funds so remitted to the state executive committee shall be paid, returned, or otherwise disbursed to the county executive committee under any circumstances. Any county executive committee that, in violation of any party rule after receiving the party assessment shall remit such party assessment to the state executive committee.

Section 2. This act shall take effect upon becoming a law.

**Amendment 2**—On page 1 in the title, lines 1-10 strike all of said lines and insert:

A bill to be entitled An act relating to political parties; amending s. 103.121(1)(g), Florida Statutes; and creating s. 103.121(5), Florida Statutes, to require the governing body of a political party to adopt rules governing certain endorsements or recommendations by its county executive committee; providing for

On motions by Senator McClain, the Senate concurred in the House amendments.

SB 585 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Grizzle	Margolis	Skinner
Anderson	Hair	Maxwell	Steinberg
Barron	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenkins	Neal	Tobiasen
Childers, D.	Jenne	Peterson	Trask
Dunn	Johnston	Poole	Ware
Frank	Kirkpatrick	Rehm	
Gersten	Langley	Renick	
Gordon	Lewis	Scott	

Nays—None

Vote after roll call:

Yea—Thomas

The bill was ordered engrossed and then enrolled.

Consideration of Senate Bills 266, 855 and 987 was deferred.

CS for SB 354 by the Committee on Education was read the first time by title and SB 354 was laid on the table.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 692 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committees on Appropriations, Education, Higher and Representative Rosen—

**CS for CS for HB 692**—A bill to be entitled An act relating to functions of state educational agencies; amending s. 240.529(1), Florida Statutes, changing requirements with respect to a State Board of Education rule relating to waiver of an admission standard for teacher education programs; adding s. 229.551(3)(k), Florida Statutes; requiring the Department of Education to develop or contract for development of tests which measure and diagnose student achievement of college-level communication and computation skills and to submit such to the State Board of Education for public approval; providing that any tests and related documents are exempt from s. 119.07, Florida Statutes; requiring the Commissioner of Education to maintain statewide responsibility for the administration of such tests; providing that the commissioner may assign administrative responsibilities for such tests to any public university or community college; authorizing the State Board of Education to enter into contracts for services which begin in one fiscal year and continue into the next and are financed from appropriations of either or both years; amending s. 240.233(5), Florida Statutes; requiring the public universities to govern the admission of students subject to minimum standards adopted by the Board of Regents and rules of the State Board of Education; establishing August

1, 1984, as the date after which the rules of the State Board of Education shall require the use of test scores as a condition for the admission of any student to upper division instruction programs in the State University System; expanding the categories of students who must take certain admissions tests; providing that prior to August 1, 1984, the use of test scores shall be limited to student counseling and curriculum improvement in both the community colleges and the State University System; amending s. 240.239(3), Florida Statutes; requiring that Associate of Arts degrees not be granted unless the student has successfully completed the requirements for college-level communication and computation skills pursuant to rules of the State Board of Education; amending s. 240.319(3)(r), Florida Statutes; requiring community college trustees to use the scores on tests for college-level communication and computation skills as provided in s. 229.551, Florida Statutes, as a condition for being granted an Associate of Arts degree after August 1, 1984, and providing that scores on such tests be used for student counseling and curriculum improvement prior to that date; amending s. 229.053(2)(d), Florida Statutes; requiring the State Board of Education to provide uniform standards for skills and for progression through the baccalaureate level; amending s. 120.52(14)(e), Florida Statutes; deleting practices and inserting testing procedures for established tests or other statewide educational tests required by law; amending s. 283.10(3), Florida Statutes; authorizing class B printing to apply to the skills test and any other statewide educational test required by law; providing an effective date.

On motion by Senator Dunn, CS for CS for HB 692 was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Dunn, by two-thirds vote CS for CS for HB 692, a companion measure, was withdrawn from the Committee on Rules and Calendar and substituted for CS for SB 354.

On motions by Senator Dunn, by two-thirds vote CS for CS for HB 692 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Grizzle	Margolis	Steinberg
Anderson	Hair	McClain	Stevens
Beard	Henderson	McKnight	Stuart
Carlucci	Hill	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiasen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Renick	Vogt
Gersten	Langley	Scott	Ware
Gordon	Lewis	Skinner	

Nays—None

CS for SB 354 was laid on the table.

Consideration of CS for SB 963, Senate Bills 400 and 259 was deferred.

CS for CS for SB 944 by the Committee on Economic, Community and Consumer Affairs was read the first time by title and CS for SB 944 and SB 944 were laid on the table.

On motion by Senator Stuart, the rules were waived and by two-thirds vote CS for HB 681 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Stuart by two-thirds vote—

**CS for HB 681**—A bill to be entitled An act relating to professional regulation; amending s. 465.003(4), Florida Statutes, allowing duly licensed pharmacists to fill prescriptions by practitioners licensed to practice in a jurisdiction, rather than a state, other than Florida; providing for review and repeal in accordance with the Regulatory Sunset Act; amending s. 466.018, Florida Statutes, requiring dental records to indicate the dentist of record and the identity of other persons performing dental treatment; creating a presumption that treatment was provided by the dentist of record unless otherwise indicated; creating s. 466.0215, Florida Statutes, prohibiting persons other than licensed dentists from employing a dentist or dental hygienist or from having certain proprietary interest in the dental practice of a dentist, dental hygienist, or other agent; amending s. 471.003(2)(i), Florida Statutes, to exempt any licensed electrical, plumbing, air-conditioning or mechanical contractor from the requirement that he register as a



registered engineer under certain circumstances; providing exceptions; restricting certain interference with a dentist's independent professional judgment; providing a penalty; amending s. 177.031(13), Florida Statutes, modifying the definition of the term "P.C.P." for the purposes of state law governing land boundaries and platting; amending s. 177.141, Florida Statutes, relating to the duty of the circuit court clerk with respect to errors in recorded plats; amending s. 466.006(3)(b), Florida Statutes, authorizing an increase in the fee for taking the manual skills portion of the examination for dentistry; adding paragraph (c) to s. 468.1705(1), Florida Statutes, providing for the issuance of a license by endorsement under the nursing home licensing law to certain persons; amending s. 468.1735, Florida Statutes, providing an application fee for a provisional license as a nursing home administrator; adding subsection (21) to s. 470.002, Florida Statutes, defining the term "preneed agent"; creating s. 470.010, Florida Statutes, providing for the establishment of an embalmer apprentice program; amending s. 470.021(1), Florida Statutes, and adding subsections (3) and (4); providing fees with respect to direct disposal establishments; amending s. 470.028(2), Florida Statutes, and adding subsection (5) thereto, relating to registration fees for preneed sales agents; amending s. 472.007(1) and (3), Florida Statutes, increasing the membership of the Board of Land Surveyors; amending s. 472.011, Florida Statutes, altering the maximum renewal fee; amending s. 472.025(1), Florida Statutes, clarifying language with respect to seals used under the land surveying law; amending s. 475.01(5), Florida Statutes, redefining the term "broker-salesman" under the real estate licensing law; amending s. 475.10, Florida Statutes, relating to the seal adopted by the Board of Real Estate; creating s. 475.215, Florida Statutes, authorizing the issuance of multiple licenses under the real estate license law; amending s. 475.25(1)(d), Florida Statutes, clarifying language with respect to disciplinary action under the real estate license law; amending s. 475.42(1)(c) and (k), Florida Statutes, relating to violations and penalties; amending s. 475.451(2)(a) and (c), Florida Statutes, respect to academic standards in real estate schools; amending s. 477.026(1)(a), Florida Statutes, and adding paragraph (e) thereto, altering the maximum fees for cosmetologists and cosmetology instructors; adding subsection (7) to s. 480.041, Florida Statutes, providing for the issuance of a provisional license without examination to certain persons to practice massage; adding subsection (7) to s. 481.203, Florida Statutes, providing a definition; amending s. 481.229(1)(b), Florida Statutes, providing an exception from the licensing requirement for persons who make plans and specifications for, or supervise the construction or alteration of, townhouses; amending s. 489.105(3)(m), Florida Statutes, redefining the term "plumbing contractor"; amending s. 489.119(5), Florida Statutes, removing the requirement that a registered or certified contractor affix his registration or certification number to certain documents; amending s. 465.012, Florida Statutes, altering inactive status for pharmacists; amending 475.011, Florida Statutes, exempting accountants from certain chapter 475 requirements; amending 475.182, Florida Statutes, altering the eligibility of continuing education classes; amending 475.183, Florida Statutes, altering the eligibility of classes to be taken when on inactive status; amending 477.022, Florida Statutes, mandating testing facilities for cosmetology; amending 484.011, Florida Statutes, altering use of supportive personnel; amending 490.014, Florida Statutes, exempting developmental services programs from licensure requirements; amending 490.013 of section 1, chapter 81-235 Laws of Florida, altering the grandfathering of mental health counselors and marriage and family therapists; amending 466.006, Florida Statutes, altering the examination requirements of applicants from foreign dental colleges or unaccredited colleges; providing authority to the Department of Professional Regulation to promulgate certain examination rules; creating a committee to study the construction industry and providing an appropriation to fund the committee; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 944 and read the second time by title. On motion by Senator Stuart, by two-thirds vote CS for HB 681 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Carlucci	Frank	Henderson
Anderson	Childers, D.	Grizzle	Jenkins
Beard	Dunn	Hair	Jenne

Johnston  
Kirkpatrick  
Langley  
Lewis  
Maxwell

McClain  
Neal  
Peterson  
Poole  
Rehm

Renick  
Skinner  
Steinberg  
Stevens  
Stuart

Thomas  
Tobiassen  
Trask  
Vogt  
Ware

Nays—3

Gersten

Gordon

Hill

SB 944 was laid on the table.

On motion by Senator Hair, the rules were waived and the Senate reverted to—

# MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1137 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Insurance and Representative L. J. Smith and others—

HB 1137—A bill to be entitled An act relating to bail and bail bondsmen; amending ss. 648.25, 648.31(1), 648.34, 648.36(1), 648.37, 648.44, 648.45, 648.46(1), 648.48(1) and (5), and 648.49, Florida Statutes; amending s. 648.27(5) and (8), Florida Statutes, and adding subsections (9) and (10) thereto; repealing s. 648.28, Florida Statutes; amending s. 648.50(2), Florida Statutes, and adding subsection (3) thereto; amending ss. 648.52(1) and 648.53(1), Florida Statutes; creating ss. 648.365, 648.421, 648.441, 648.442, and 648.571, Florida Statutes; including general lines agents in the definition of bail bondsmen and redefining "runner"; providing for applications for general agents' permits; requiring insurers to have a general agent in the state; abolishing bondsmen and general agent deposit or bond requirements; increasing license fees and providing for biennial licensing; changing requirements for application and qualification for bail bondsmen and runners; providing for an additional fee; requiring bail bondsmen to maintain records for 3 years and allowing inspection by the department; requiring semi-annual statistical reports by bail bondsmen and insurers; requiring licensees to make notification of address changes; expanding prohibitions on compensation of bail bondsmen; restricting the number of persons who may benefit from the execution of a bail bond; placing restrictions on qualifications for bail bondsmen; requiring each place of business to be run by a full-time bail bondsman; prohibiting the furnishing of supplies to unlicensed bail bondsmen; modifying authority to take collateral security; regulating eligibility, and renewal, and denial of licenses; providing for suspension and revocation of licenses; changing the authority of the department to refuse to relicense a person whose license was revoked; increasing amount of administrative fines; providing penalties for refusal to return collateral; amending ss. 648.26(1), 648.30, 648.32(1), 648.39, 648.41, 648.42, and 648.43(1), Florida Statutes, to conform; amending s. 903.02, Florida Statutes, providing limitations on modification of bail conditions; creating s. 903.035, Florida Statutes, requiring defendants to provide accurate, truthful, and complete information in bail applications and providing for revocation or modification of bail for failure to comply; requiring certain applications for modification of bail to be heard at a hearing with the defendant present and with notice to the state attorney and county attorney; creating s. 903.045, Florida Statutes, specifying public policy with respect to the nature of criminal surety bail bonds, and to constructive notice of breach thereof; creating s. 903.046, Florida Statutes, providing for purpose of bail determinations; providing criteria for determinations of conditions for release; creating s. 903.105, Florida Statutes, creating a deposit system with the court in lieu of surety bonds; amending s. 903.26(2) and (5), Florida Statutes, and adding a new subsection (6) thereto; modifying standards for bond appearance and forfeiture; amending s. 903.27, Florida Statutes, revising provisions relating to judgment for nonpayment of forfeiture; providing that any bail bondsman or company against whom judgment has been entered shall not execute bail bonds; amending s. 903.28, Florida Statutes, providing for remission of forfeiture; creating s. 903.285, Florida Statutes, requiring minimum monetary bond for defendants who voluntarily appear or surrender, or are arrested after breach of bond; amending s. 626.311(1), Florida Statutes, to conform; creating a Commission on Bail Bond Reform and



providing its membership and duties; repealing ss. 932.45 and 932.46, Florida Statutes, relating to proceedings on estreat of bond; providing for review and repeal of chapter 648, Florida Statutes, relating to bail bondsmen and runners, on October 1, 1984; providing effective dates.

On motion by Senator Hair, by unanimous consent, HB 1137 was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Hair, the rules were waived and by two-thirds vote HB 1137 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Hair, by two-thirds vote HB 1137 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—34

Mr. President	Hill	McKnight	Stevens
Anderson	Jenkins	Neal	Stuart
Beard	Jenne	Peterson	Thomas
Carlucci	Kirkpatrick	Poole	Tobiasen
Frank	Langley	Rehm	Trask
Gersten	Lewis	Renick	Vogt
Grizzle	Margolis	Scott	Ware
Hair	Maxwell	Skinner	
Henderson	McClain	Steinberg	

## Nays—2

Childers, D. Johnston

Consideration of House Bills 865 and 1111 was deferred.

On motion by Senator Hill, the rules were waived and by two-thirds vote HB 173 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Hill—

HB 173—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515(2)(a), Florida Statutes, and adding subsection (7) thereto, including certain bomb disposal personnel within the special risk class; providing that certain special risk members who assume certain administrative support positions shall be allowed to count such service toward the special risk normal retirement date under certain conditions; providing for retroactive application; amending s. 121.071(2), Florida Statutes, providing for contributions; providing an effective date.

—a companion measure was substituted for SB 155 and read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—39

Mr. President	Grizzle	Margolis	Skinner
Anderson	Hair	Maxwell	Steinberg
Barron	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenkins	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiasen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gersten	Langley	Renick	Ware
Gordon	Lewis	Scott	

## Nays—None

SB 155 was laid on the table.

On motion by Senator Peterson, the rules were waived and the Senate reverted to—

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1156 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Appropriations—

HB 1156—A bill to be entitled An act relating to educational finance; creating s. 237.162, Florida Statutes; authorizing school boards to incur obligations under certain conditions to eliminate major emergency conditions in school plants; providing time limitations; requiring Department of Education approval of a proposal to incur such obligation; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

On motion by Senator Peterson, by unanimous consent, HB 1156 was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Peterson, the rules were waived and by two-thirds vote HB 1156 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Peterson, by two-thirds vote HB 1156 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—38

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenkins	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiasen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gersten	Langley	Renick	Ware
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

## Nays—None

By Representative Price—

HB 823—A bill to be entitled An act relating to the Florida State Conference Center; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation of the State of Florida to issue a beverage license to the Florida State Conference Center, Center for Professional Development and Public Service, Florida State University, or its designee, for the operation of the Florida State Conference Center; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 823 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—29

Mr. President	Grizzle	Lewis	Steinberg
Barron	Hair	Margolis	Stevens
Carlucci	Henderson	McClain	Thomas
Childers, D.	Hill	Poole	Tobiasen
Dunn	Jenkins	Rehm	Ware
Frank	Jenne	Renick	
Gersten	Johnston	Scott	
Gordon	Kirkpatrick	Skinner	

## Nays—6

Beard	Maxwell	Peterson	Trask
Langley	Neal		

Vote after roll call:

Yea—Stuart

Yea to Nay—D. Childers, Jenkins

Consideration of SB 414 was deferred.

CS for HB 931—A bill to be entitled An act relating to health care cost containment and health care; amending s. 381.3712 (4)(i), Florida Statutes, correcting a reference; amending s. 381.493(2) and (3)(h), (k), (q), and (s), Florida Statutes; correcting a reference; modifying the definitions of "major medical equipment" and "institutional health services" to increase certain monetary limits relative thereto; providing definitions; amending s. 381.494(1)(c), (g), (l), (m), and (n), (5), (6), and (7), Florida Statutes, and adding a new subsection thereto; modifying provisions relative to projects which require certificates of need; deleting functions of health systems agencies; providing for review by the department; providing functions and membership for local health councils; providing for assessment of fees; amending ss. 395.502(9), 400.18(1), 400.191(1)(d), and 483.297(1)(e), Florida Statutes, correcting references; creating s. 395.5025, Florida Statutes, providing intent; amending s. 395.503, Florida Statutes; providing for staggering of terms on the Hospital Cost Containment Board; modifying membership and appointment procedure; modifying provisions relating to organization and staffing; amending s. 395.504, Florida Statutes; deleting certain duties of the board with respect to budget reviews and studies; requiring rules with respect to submission by hospitals of financial and accounting data under certain circumstances; providing for assistance to certain agencies in development of health care data; amending s. 395.507(2), Florida Statutes, relating to the uniform system of financial reporting; amending s. 395.508, Florida Statutes, modifying provisions relating to board analyses and studies; amending s. 395.509(1) and (3), Florida Statutes, providing review criteria and limitations; amending s. 395.511, Florida Statutes, providing for availability of quality assurance plans; amending s. 395.512(1), Florida Statutes, clarifying provisions relating to financial assessments biennially levied against hospitals by the board to meet expenses of the hospital cost containment program; amending s. 395.513, Florida Statutes, providing for program accountability; authorizing the Health Care Cost Containment Board to continue a pilot project; establishing the Florida Health Policy Commission; providing duties; providing technical advice; providing for appointment and organization; providing for per diem; providing for review and repeal of various statutory provisions in accordance with the Sundown Act or Regulatory Sunset Act; providing for review and repeal of s. 381.494(7), Florida Statutes, relating to functions of the local health councils, on October 1, 1985; saving part II of chapter 395, Florida Statutes, from sunset repeal scheduled October 1, 1982; providing for review and repeal of part II of chapter 395, Florida Statutes, relating to health care cost containment, on October 1, 1988; providing that the Hospital Cost Containment Board shall not be subject to the Sundown Act; creating part I of chapter 395, Florida Statutes, consisting of ss. 395.001 through 395.020, Florida Statutes; providing legislative intent; providing definitions; requiring licensure and providing procedures with respect to issuance, renewal, denial, and revocation of license; providing fees; providing for disposition of fees; providing for promulgation of rules and for enforcement thereof; allowing 1 year for compliance with rules; providing for inspections and investigations by the Department of Health and Rehabilitative Services; providing for acceptance of certain surveys or inspections in lieu thereof; providing inspection fees; providing for inspection reports and providing for the furnishing of same to certain persons upon request; establishing minimum standards for clinical laboratory test results and diagnostic x-ray results; providing disciplinary powers of licensed facilities; specifying criteria with respect to staff membership and professional privileges; prohibiting interference with the prescription of laetrile or DMSO; providing for access of chiropractors to diagnostic reports; requiring itemized patient bills and providing for form and content thereof; providing for form and content of hospital patient records; providing that copies of patient records shall be furnished upon request, with certain exceptions; providing for confidentiality of records; declaring operation of a hospital or ambulatory surgical center without a license a misdemeanor and providing a penalty and other remedies therefor; declar-

ing certain activities unlawful and providing penalties therefor; requiring insurance coverage; providing for treatment of sexual assault victims; creating s. 400.425, Florida Statutes, requiring itemized patient billing and providing for form and content thereof with respect to nursing homes; creating s. 400.4251, Florida Statutes, providing minimum standards for clinical laboratory test results and diagnostic x-ray results with respect to nursing homes; repealing s. 382.31, Florida Statutes, relating to the requirement that hospitals and almshouses keep records; providing for review and repeal in accordance with the Regulatory Sunset Act; providing effective dates.

—was read the second time by title. On motion by Senator Anderson, by two-thirds vote CS for HB 931 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Grizzle	Margolis	Scott
Barron	Hair	Maxwell	Skinner
Beard	Henderson	McClain	Steinberg
Carlucci	Hill	McKnight	Stevens
Childers, D.	Jenne	Neal	Stuart
Dunn	Johnston	Peterson	Tobiasen
Frank	Kirkpatrick	Poole	Trask
Gersten	Langley	Rehm	Vogt
Gordon	Lewis	Renick	Ware

Nays—1

Anderson

On motion by Senator Vogt, the rules were waived and by two-thirds vote the following message was withdrawn from the Committee on Rules and Calendar.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments—

CS for SB 869—A bill to be entitled An act relating to adoption; adding a paragraph to s. 63.022(2), Florida Statutes, providing legislative intent with regard to intermediary adoptions; adding a subsection to s. 63.032, Florida Statutes, to define "suitability of the intended placement"; amending s. 63.092, Florida Statutes, relating to preliminary studies with respect to intermediary adoptions; amending s. 63.162(4) and (5), Florida Statutes, relating to the disclosure of confidential records and the determination of good cause therefor; creating s. 63.165, Florida Statutes, directing the State Registrar of Vital Statistics to maintain a registry of identifying information with respect to natural and adoptive parents and adoptees; providing for limited access to the registry; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 10, line 3, insert: Section 6. This bill authorizes two positions to be funded from fees.

(Renumber subsequent section)

Amendment 2—On page 3, line 27, insert: after the word "study" unless ordered by the court

On motions by Senator Vogt, the Senate concurred in the House amendments.

CS for SB 869 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Carlucci	Frank	Hair
Anderson	Childers, D.	Gersten	Henderson
Beard	Dunn	Grizzle	Hill

Jenkins	Margolis	Poole	Stuart
Jenne	Maxwell	Renick	Thomas
Johnston	McClain	Scott	Tobiasen
Kirkpatrick	McKnight	Skinner	Trask
Langley	Neal	Steinberg	Vogt
Lewis	Peterson	Stevens	Ware

The bill was ordered engrossed and then enrolled.

#### SPECIAL ORDER, continued

On motions by Senator Anderson, by unanimous consent—

CS for HB 287—A bill to be entitled An act relating to financial institutions; creating s. 655.034, Florida Statutes, providing for injunctions; amending s. 655.045(3)(b), Florida Statutes, deleting reference to periodic examination; providing an implementation schedule for semiannual fees paid by credit unions to the Department of Banking and Finance; creating part II of chapter 655, Florida Statutes, relating to cross-industry conversions, mergers and acquisitions; providing definitions; providing procedures for the conversion of a charter of a financial institution; limiting conversions; requiring an application fee for conversion; providing for the merger or consolidation of capital stock financial institutions and mutual financial institutions; requiring a fee; providing that a financial institution may acquire the capital stock of any other financial institution; providing procedures for the acquisition of assets or assumption of liabilities of a financial institution by another such institution; providing for the book value of assets upon merger, consolidation or conversion; providing for the continuation of the entity of the participating or converting institution; providing for the continuation of pending actions and other judicial proceedings and creditors' rights; providing exceptions; providing conditions in the case of a resulting institution which is different from the participating or converting institutions; amending s. 657.031(6), Florida Statutes, providing that a credit union may receive deposits from other credit unions; amending s. 657.023(1); amending s. 657.037(3), Florida Statutes, providing for the payment of shares to the estate of a beneficiary; amending s. 657.042(5), Florida Statutes, authorizing a credit union to invest its funds in the capital stock of other financial institutions; amending s. 657.055(1)(a), Florida Statutes, deleting the requirement that each credit union preserve a general ledger; adding subsection (6) to s. 657.063 and subsection (10) to s. 657.064, Florida Statutes, providing for the waiver of fees and examination in cases of involuntary and voluntary liquidation; amending s. 657.065(1), Florida Statutes, providing for the merger of state and federal credit unions; amending s. 657.066(4), Florida Statutes, authorizing the department to examine a federal credit union converting to a state credit union; amending s. 658.18(2)(b), Florida Statutes, providing that any unexpended balance of a state bank or trust company may be refunded to subscribers or transferred to undivided profits upon issuance of a charter; amending s. 658.19(1)(a), and (e) and (4), Florida Statutes, deleting the requirement that each stock subscriber file a sworn statement that he subscribes in his own right; providing that the name and address of proposed key officers must be filed with the application only if known; deleting the requirement that certain persons file with the department a complete set of fingerprints; amending s. 658.26(6), Florida Statutes, correcting a cross reference; amending s. 658.42(1), Florida Statutes, requiring that the board of directors of each constituent bank approve a plan of merger; amending s. 658.67(4), (6) and (7), Florida Statutes, limiting investments in real estate and equipment up to specified amounts of capital accounts; providing for investments of banks in subsidiary corporations; amending s. 658.73(2)(c) and (d), Florida Statutes, revising provisions relating to application fees; amending s. 658.81, Florida Statutes, providing for expedited proceedings to confirm the appointment of a liquidator or receiver; amending s. 662.02(2), Florida Statutes, redefining "bank services"; amending s. 662.06, Florida Statutes, permitting bank service corporations to serve all financial institutions; amending s. 663.05(1)(e), Florida Statutes, requiring that an application for a license by an international banking corporation must show the total amount of its capital accounts and must include a detailed financial statement as of a date within 180 days prior to the application which may be extended to 240 days within the discretion of the department; amending s. 663.06(6), Florida Statutes, relating to loans by international banking corporations; adding subsection (4) to s. 663.07, Florida Statutes, excluding certain items from liabilities and assets of an international banking

corporation; amending s. 663.14, Florida Statutes, specifying the manner of reimbursement for foreign travel and correcting a statutory reference; amending s. 664.02, Florida Statutes, providing for a moratorium on industrial savings bank charters; repealing s. 665.012(16), Florida Statutes, and amending s. 665.012(12), Florida Statutes; deleting the definition of "one borrower" and revising the definition of "liquid assets" as they relate to savings associations; repealing s. 665.0201(2), Florida Statutes, and amending s. 665.0201(3)(e), (f), and (g), Florida Statutes, deleting the requirement that a notice of intent to organize be filed and that certain persons file with the department a complete set of fingerprints; amending s. 665.023(3) and (4), Florida Statutes, revising provisions relating to consideration for issuance of stock and permanent capital; adding a new subsection (3) to s. 665.024, Florida Statutes, requiring department approval of amendment of articles of incorporation; amending s. 665.025(2), Florida Statutes, changing meeting requirements for association boards of directors; amending s. 665.027(1), Florida Statutes, eliminating the 60-day delay prior to opening a savings association for business; amending s. 665.028(4), Florida Statutes, requiring a filing fee to accompany an application to relocate a home or branch office; amending s. 665.0311, Florida Statutes, relating to an association's power to reorganize, merge or consolidate; creating s. 665.0331, Florida Statutes, providing for the determination of an association as a supervisory case; providing for emergency conversion, reorganization, consolidation, or assumption of assets and liabilities; repealing s. 665.034(3), Florida Statutes, and amending s. 665.034(1) and (4), Florida Statutes, and adding a subsection, providing a description of persons or entities deemed to have control of an association; deleting the requirement that certain persons file with the department a complete set of fingerprints; providing that stock acquired by an underwriter and held for a certain period of time shall not be considered an acquisition of majority control; amending s. 665.042(1), Florida Statutes, relating to access to books, records, accounts, voting rights, and membership lists; amending s. 665.045(3)(a) and (c), Florida Statutes, prohibiting an officer from holding office in a nonaffiliated association; requiring a majority vote of the directors relating to certain loans and investments; adding subsection (24) to s. 665.0501, Florida Statutes, and amending subsection (4) thereof, revising powers of an association relating to borrowing and providing the power to issue drafts; amending s. 665.0601, Florida Statutes, deleting language prohibiting associations from issuing certain types of investment media; amending s. 665.069, Florida Statutes, relating to indemnification of an association by an adverse claimant to an account; amending s. 665.0701(1)(b) and (f), (2), (3), (4) and (6), Florida Statutes, and adding paragraphs (h) through (m) to subsection (1) thereof, providing additional investments not subject to limitation; changing the limitation of investments in stocks, bonds, and real estate; authorizing an association to invest its funds in the capital stock of other financial depository institutions; amending s. 665.0711, Florida Statutes, relating to restrictions on investments in loans; repealing ss. 658.17, 660.33(3), 664.03(2), 665.025(3), 665.035 and 665.036, Florida Statutes, relating to notice of intent to organize by a banking corporation or trust company corporation, failure of a trust service office to open, and holding companies and stock acquisitions, and correcting a cross reference; providing for review and repeal in accordance with the Regulatory Sunset Act; creating s. 697.07, Florida Statutes, providing that interest on mortgage loans may be compounded; providing an effective date.

—was read the second time by title.

Senators Gordon and Ware offered the following amendment which was moved by Senator Gordon and failed:

Amendment 1—On page 34, strike lines 11-21 and re-number subsequent sections accordingly.

On motion by Senator Anderson, by two-thirds vote CS for HB 287 was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dunn	Hill	Lewis
Anderson	Frank	Jenkins	Margolis
Barron	Gersten	Jenne	Maxwell
Beard	Grizzle	Johnston	McClain
Carlucci	Hair	Kirkpatrick	McKnight
Childers, D.	Henderson	Langley	Neal

Peterson	Scott	Thomas	Vogt
Poole	Skinner	Tobiasen	Ware
Rehm	Stevens	Trask	
Renick	Stuart		

Nays—1

Gordon

On motion by Senator Dunn, the rules were waived and by two-thirds vote HB 1092 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Dunn, by unanimous consent—

HB 1092—A bill to be entitled An act relating to state employment; amending s. 110.205(2)(o), Florida Statutes, relating to career service exempt positions; authorizing the Public Service Commission, with the approval of the Department of Administration, to set the salaries of its official reporters notwithstanding any limitations on such salaries set by law; amending s. 110.402(3), Florida Statutes, including the personal secretaries of elected cabinet officers among those employees who are eligible for Senior Management Service benefits other than salary; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 1092 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Hair	Margolis	Skinner
Anderson	Henderson	Maxwell	Steinberg
Beard	Hill	McClain	Stevens
Carlucci	Jenkins	McKnight	Stuart
Childers, D.	Jenne	Neal	Thomas
Dunn	Johnston	Peterson	Tobiasen
Frank	Kirkpatrick	Rehm	Trask
Gersten	Langley	Renick	Vogt
Grizzle	Lewis	Scott	Ware

Nays—None

On motion by Senator Carlucci, the rules were waived and by two-thirds vote CS for HB 447 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Carlucci, by unanimous consent—

CS for HB 447—A bill to be entitled An act relating to the Parole and Probation Commission; amending s. 20.315(20), Florida Statutes, removing the requirement that the Department of Corrections perform statistical analysis, research, and program evaluation for the Parole and Probation Commission; adding a subsection to s. 947.002, Florida Statutes, providing legislative intent; amending s. 947.04(2)(a), Florida Statutes, relating to the organization of the Parole and Probation Commission; amending s. 947.071, Florida Statutes, limiting the kinds of orders of the commission which must be indexed; amending s. 947.095, Florida Statutes, authorizing hearing examiners to conduct interviews; amending s. 947.12, Florida Statutes, providing per diem for members of the examining board; adding subsection (3) to s. 947.13, Florida Statutes, directing the commission to perform all statistical analysis, research, and program evaluation necessary to comply with chapter 947, Florida Statutes; amending s. 947.135(2) and (3)(a), Florida Statutes, providing intent with respect to youthful offenders in the mutual participation program; authorizing vocational education as part of the program; amending s. 947.16, Florida Statutes, changing the schedule for initial parole interviews; authorizing interview postponements and deferrals; providing separate procedures with respect to specified kinds of inmates; amending s. 947.16(3), Florida Statutes; providing for a replacement judge to act in place of the original sentencing judge in cases of retained jurisdiction under certain circumstances; amending s. 947.165(2), Florida Statutes, requiring the commission to make revisions to its rules based on statistical analysis; amending s. 947.172, Florida Statutes, delaying the period of notification of an inmate's presumptive parole release date; amending s. 947.173(1), Florida Statutes, limiting the number of reviews of a presumptive parole release date; amending s. 947.174, Florida Statutes, providing for subsequent interviews rather than hearings; creating s. 947.1745, Florida Statutes, changing time periods with respect to final interviews prior

to the presumptive parole release date; amending s. 947.19(2), Florida Statutes, extending the time in which an inmate may request modification of his parole; amending s. 947.22, Florida Statutes; providing that a member of the Parole and Probation Commission or the commission's duly authorized representative may sign warrants for the retaking of a paroled prisoner; authorizing the commission, a commissioner, or the commission's duly authorized representative to determine whether to admit the alleged parole violator to bail; amending s. 947.23, Florida Statutes; requiring certain hearings within 30 days after the arrest of a person charged with violation of the terms and conditions of parole; authorizing one or more commissioners or the commission's duly authorized representative to issue certain process and to conduct final revocation hearings on the alleged parole violation; allowing the alleged parole violator the right to waive the final revocation hearing; providing for the preparation of findings of fact from the final revocation hearing; authorizing the commission or two commissioners to order parole revoked and to make a written statement of the evidence relied on and the reasons for revoking the parole in certain circumstances; repealing ss. 949.10, 949.11, and 949.12, Florida Statutes, removing provisions relating to the temporary revocation of parole or probation of a person who is charged with a subsequent felony while on parole or probation for the commission of a felony; providing an effective date.

—a companion measure, was substituted for CS for SB 294 and read the second time by title. On motion by Senator Carlucci, by two-thirds vote CS for HB 447 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Stevens
Anderson	Henderson	McClain	Stuart
Beard	Hill	McKnight	Thomas
Carlucci	Jenkins	Neal	Tobiasen
Childers, D.	Jenne	Peterson	Trask
Dunn	Johnston	Rehm	Vogt
Frank	Kirkpatrick	Renick	Ware
Gersten	Langley	Scott	
Gordon	Lewis	Skinner	
Grizzle	Margolis	Steinberg	

Nays—None

CS for SB 294 was laid on the table.

On motion by Senator Anderson, the rules were waived and by two-thirds vote HB 628 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Anderson, by unanimous consent—

HB 628—A bill to be entitled An act relating to agriculture; creating the "Florida Community Gardening Program of 1982"; providing definitions; providing permit conditions under which vacant public land may be used for gardening; providing duties of the Commissioner of Agriculture; providing for indemnity; providing that counties, municipalities, state agencies, and departments may make public land available; allowing any city or county to exclude its land from the program; providing conditions for contracts with owners of private land; providing for rules; providing an effective date.

—was read the second time by title. On motion by Senator Anderson, by two-thirds vote HB 628 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Grizzle	Maxwell	Steinberg
Anderson	Hair	McClain	Stevens
Barron	Henderson	McKnight	Stuart
Beard	Hill	Neal	Thomas
Carlucci	Jenkins	Peterson	Tobiasen
Childers, D.	Johnston	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Ware
Gersten	Lewis	Scott	
Gordon	Margolis	Skinner	

Nays—None

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 387—A bill to be entitled An act relating to purchasing; creating s. 287.095, Florida Statutes, prohibiting false representation of a person as a minority business enterprise under a state agency program designed to benefit such enterprises; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 2, between lines 11 and 12, insert a new section 2 and renumber subsequent sections.

**Section 1.** Section 287.001, Florida Statutes, is created to read:

287.001 Legislative intent.—The Legislature recognizes that fair and open competition is a basic tenet of public procurement; that such competition reduces the appearance and opportunity for favoritism and inspires public confidence that contracts are awarded equitably and economically; and that documentation of the acts taken and effective monitoring mechanisms are important means of curbing any improprieties and establishing public confidence in the process by which contractual services are procured. It is essential to the effective and ethical procurement of contractual services that there be a system of uniform procedures to be utilized by state agencies in managing and procuring contractual services; that detailed justification of agency decisions in the procurement of contractual services be maintained; and that adherence by the agency and the consultant to specific ethical considerations be required.

**Section 2.** Subsection (3) of section 287.012, Florida Statutes, is amended, and subsections (5) and (6) are added to said section, to read:

287.012 Definitions.—The following definitions shall apply in part I of chapter 287:

(3) "Contractual service" means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. Such services may include, but are not limited to, evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research and development studies or reports on the findings of consultants engaged thereunder; and professional, technical, and social services and shall apply only to those services rendered by individuals and firms who are independent contractors ~~and not performing the duties of an authorized position~~. "Contractual service" does not include the rendering of services by an artist; academic program reviews or lectures by individuals; auditing services; legal services including paralegals, expert witnesses including appraisal services and court reporters; health services involving examination, diagnosis, treatment or prevention; or services provided to persons with mental or physical disabilities by not for profit corporations which have obtained an exemption under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954 or when such services are governed by the provisions of 45 Code of Federal Regulations 74, Appendix F. However, in acquiring such services, the agency shall consider the ability of the contractor, past performances, willingness to meet time requirements, and price. Medicaid services delivered to an eligible Medicaid recipient by a health-care provider who has not previously applied for and received a Medicaid provider number from the Department of Health and Rehabilitative Services shall be exempt from the provisions of this section. However, this exception shall be valid for a period not to exceed 90 days after the date of delivery of service to the Medicaid recipient and shall not be renewed by the department. The performance of services in-house, other than those performed by an employee in an authorized position, wherein the rate of pay for the performances of such services does not exceed the rate of pay for an equivalent authorized position, shall not be subject to the provisions of this section.

(5) "Minority owned firms or company" means any legal entity, other than a joint venture, organized to engage in commercial transactions, which is at least 51 percent owned and controlled by minority persons. Minority person means a member of a socially or economically disadvantaged group which for the purposes of this section shall include blacks not of Hispanic origin, Hispanics, American Indians, Alaska natives, Pacific Islanders, women and the physically or mentally disabled. Any individual falsely representing any firm or company as being minority owned and controlled shall be guilty of a felony of the third degree, punishable pursuant to s. 775.082, s. 775.083, or s. 775.084.

(6) "Artist" means an individual or group of individuals who profess and practice a demonstrated creative talent and skill in the areas of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, tape and sound recording, or other related fields.

**Section 3.** Section 16.535, Florida Statutes, is created to read:

16.535 Legal Services Trust Fund.—

(1) There is created in the State Treasury the Legal Services Trust Fund to be used by the Attorney General in providing legal services to agencies on a contractual basis.

(2) No funds shall be expended by an agency for private legal services without prior approval of the Attorney General. This approval shall include a certification that the private legal services requested cannot be provided by the Attorney General's office or that such private legal services are cost effective in the opinion of the Attorney General. The Attorney General's office shall respond to an agency's request for prior approval within 10 working days after receiving the request for prior approval.

(3) This section shall not apply to contracts for legal services entered into by the Department of Health and Rehabilitative Services for child support enforcement pursuant to s. 409.2557; for child dependency or termination of parental rights under chapter 39; for services to be provided by legal services organizations to indigent clients; for services procured by the Executive Office of the Governor or any department under the jurisdiction of a cabinet officer; for legal services necessary pursuant to part II of chapter 284; or for contracts for legal services entered into by the Florida Board of Regents for defense of comprehensive general liability claims, including professional liability claims, which are covered by the self-insurance programs created pursuant to s. 240.213.

**Section 4.** Section 112.3185, Florida Statutes, is created to read:

112.3185 Contractual services.—

(1) For the purposes of this section, "contractual services" shall be defined as set forth in s. 287.012(3).

(2) For the purposes of this section, "agency" means any state officer, department, board, commission, or council of the executive or judicial branches of state government.

(3) No agency employee who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in the procurement of contractual services shall become or be, while an agency employee, the employee of a person contracting with the agency by whom the employee is employed.

(4) No agency employee shall, after retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract in which the agency employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice or investigation while an officer or employee.

(5) No agency employee shall, within 2 years of retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract for contractual services which was within the agency employee's responsibility while an employee.

(6) The sum of money paid an agency employee during the first year after the cessation of the agency employee's responsibilities, by the agency with whom the employee was employed, for contractual services provided to the agency by the employee shall not exceed the annual salary received by the employee on the date of cessation of the agency employee's responsibilities. The provisions of this subsection may be waived by the agency head for a particular contract if the agency head determines that such waiver will result in significant time or cost savings to the state.

(7) No agency employee acting in his official capacity shall directly or indirectly procure contractual services for his own agency from any business entity of which a relative as defined in s. 116.111(1)(c) is an officer, partner, director, or proprietor or in which such officer or employee or his spouse or child, or any combination of them, has a material interest.

(8) Violation of any provision of this section shall be punishable in accordance with s. 112.317.

Section 5. Section 287.032, Florida Statutes, is amended to read:

287.032 Purpose of division.—It shall be the purpose of the Division of Purchasing:

(1) To promote efficiency, economy, and the conservation of energy and to effect coordination in the purchase of commodities for the state; and

(2) To provide uniform overall direction of contractual service procurement policies, rules, procedures, and forms for use by making as consistent as possible the contractual service procurement processes of the various agencies in procuring contractual services.

Section 6. Subsections (4), (5), (8), and (10) of section 287.042, Florida Statutes, are amended to read:

287.042 Powers, duties, and functions.—The division shall have the following powers, duties, and functions:

(4) To establish a system of coordinated, uniform procurement policies, procedures, and practices to be used by agencies in acquiring contractual services, which shall include, but not be limited to:

(a) Development of a list of interested vendors to be maintained by classes of contractual services. This list shall not be used to pre-qualify vendors or to exclude any interested vendor from bidding. All vendors listed in a particular class shall be mailed, by the agency, at the address provided to the division by the vendor, a notice of the invitation for bids or request for proposals at least 28 days prior to the date set for submittal of bids or proposals.

(b) Development of procedures for the releasing of invitation for bids and request for proposals which shall include, but not be limited to, notice in the Florida Administrative Weekly at least 28 days prior to the date set for submittal of bids or proposals.

(c) Development of procedures for the receipt and opening of bids or proposals by an agency.

(d) Development of procedures to be used by an agency in deciding to contract, including, but not limited to, identifying and assessing in writing project needs and requirements, availability of agency employees, budgetary constraints or availability, facility equipment availability, current and projected agency work-load capabilities, and the ability of any other state agency to perform the services.

(e) Development of procedures to be used by an agency in maintaining a contract file for each contract which shall include, but not be limited to, all pertinent information relating to the contract during the preparatory stages, a copy of the invitation for bids or request for proposals, documentation relating to the bid process, opening of bids, evaluation and tabulation of bids, and determination and notice of award of contract.

(f) Development of procedures to be used by an agency in identifying contractual services that could be provided by minority owned firms, companies, or individuals. Each agency is encouraged to annually set aside a sum of money not to exceed five percent of monies actually expended for contractual services during the previous fiscal year and reported to the Legislature pursuant to s. 216.023, for the purpose of entering into contracts with qualified, responsive, minority owned firms, companies or individuals. Any individual falsely representing any firm or company as being minority owned and controlled shall be guilty of a felony of the third degree punishable pursuant to s. 775.082, s. 775.083, or s. 775.084. For the purposes of this subsection minority owned firms or companies shall mean any legal entity, other than a joint venture, organized to engage in commercial transactions, which is at least 51 percent owned and controlled by minority persons. Minority person means a member of a socially or economically disadvantaged group which for the purposes of this section shall include blacks not of Hispanic origin, Hispanics, American Indians, Alaska natives, Pacific Islanders, women and the physically or mentally disabled. To establish a system of coordinated, uniform procurement policies, procedures, and practices which will require agencies to acquire contractual services utilizing competitive procurement methods to the maximum extent practicable. Such methods shall include, but not be limited to, adequate public notice requirements and procedures for the evaluation of all potential contractual service providers, including such factors as capabilities, past record, and experience and such factors as may be determined by the division to be applicable to particular requirements. However, this section shall not apply in the following cases:

(a) If the head of any state agency maintains that an emergency exists in regard to the procurement of any contractual service, so that delay through the use of competitive procurement methods would be detrimental to the interests of the state, then the head of such agency shall file with the division and the office of the Auditor General a statement under oath certifying such conditions and circumstances.

(b) Contractual services available only from a single source may be excepted upon the filing of a certification of conditions and circumstances with the division and the office of the Auditor General by the head of any agency if, subsequent thereto, the division authorizes the exception in writing.

(c) Contracts for legal services.

(5) To prescribe the methods of securing bids or negotiating and awarding commodity and service contracts, unless otherwise provided by law.

(8) To establish definitions and classes of contractual services and procedures for acquiring them. The authority of the division under this section shall not be construed to impair or interfere with the determination by state agencies of their need for, or their use of, services including particular specifications.

(10) To acquire that every agency furnish information relative to its commodity and contractual services purchases and methods of purchasing commodities and contractual services to the division when so requested.

Section 7. Section 287.057, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 287.057, F.S., for present text.)

287.057 Procurement of contractual services.—

(1) For the purposes of this section, the following definitions, in addition to the definitions set forth in s. 287.012, shall apply:

(a) "Invitation for bids" means any document, whether attached or incorporated by reference, used for soliciting bids, when the agency is capable of specifically defining the scope of work required.

(b) "Request for proposals" means any document, whether attached or incorporated by reference, used for soliciting proposals, when the agency is incapable of specifically defining the scope of work required.

(c) "Qualified bidder or offeror" means a person who has the capability in all respects to perform fully the contract



requirements, and has the integrity and reliability which will assure good faith performance.

(d) "Responsive bidder" means a person who has submitted a bid which conforms in all material respects to the invitation for bids.

(2) Unless otherwise authorized by law, all contracts for contractual services shall be awarded by competitive sealed bidding. An invitation for bids shall be issued which shall include a detailed description of the services sought, the date for submittal of bids, and all contractual terms and conditions applicable to the procurement of contractual services, including the criteria which shall include, but need not be limited to, price, to be used in determining acceptability of the bid. If the agency contemplates subsequent contracts dealing with the same subject matter, it shall be so stated in the invitation for bids. No criteria may be used in determining acceptability of the bid that was not set forth in the invitation for bids. The contract shall be awarded with reasonable promptness by written notice to the qualified and responsive bidder who submits the lowest and best bid. This bid must be determined in writing to meet the requirements and criteria set forth in the invitation for bids.

(3) When an agency determines in writing that the use of competitive sealed bidding is not practicable, contractual services shall be procured by competitive sealed proposals. A request for proposals which includes a statement of the services sought and all contractual terms and conditions applicable to the procurement of contractual services, including the criteria, which shall include, but not be limited to, price, to be used in determining acceptability of the proposal shall be issued. If the agency contemplates subsequent contracts dealing with the same subject matter, it shall be so stated in the request for proposals. To assure full understanding of and responsiveness to the solicitation requirements, discussions may be conducted with qualified offerors. Said offerors shall be accorded fair and equal treatment prior to the submittal date specified in the request for proposals with respect to any opportunity for discussion and revision of proposals. The award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the state taking into consideration price and the other criteria set forth in the request for proposals. The contract file shall contain the basis on which the award is made.

(4) When the price of contractual services is less than \$2,500, an agency shall not be required to use the competitive procedures set forth in subsections (2) and (3). However, the agency shall not divide the procurement of contractual services so as to avoid the requirements of subsections (2) and (3).

(5) A contract for contractual services may be awarded without competition if it is determined in writing that such services are available from only one source; however, if such contract is for an amount greater than \$5,000, the agency shall secure prior approval from the division.

(6) A contract for contractual services may be awarded without competition if state or federal law prescribes with whom the agency must contract or if the rate of payment is established during the appropriations process.

(7) If only one response to an invitation for bids or request for proposals is received, the agency may proceed with the procurement of the contractual services pursuant to subsection (5).

(8) If no response to an invitation for bids or request for proposals is received, the agency may proceed with the procurement of contractual services pursuant to subsection (5).

(9) Failure of the division to approve or disapprove an agency's request for prior approval pursuant to subsections (3), (5), (7), and (8) within 21 days after receiving the request for prior approval or within 14 days after receiving additional materials requested by the division from the agency shall constitute prior approval by the division.

(10) If two equal responses to an invitation for bids or request for proposals are received and one response is from a minority owned firm or company, the agency shall enter into a contract with the minority owned firm or company.

(11) If the head of any agency determines in writing that an immediate danger to the public health, safety, welfare, or other substantial loss to the state, requires emergency action,

the agency may proceed with the procurement of the contractual services necessitated by the immediate danger without competition. However, such emergency procurements shall be made with such competition as is practicable under the circumstances. The agency shall furnish copies of the written determination and any other documents relating to the emergency action to the division.

(12) Extension of a contract for contractual services shall be in writing for a period not to exceed 6 months and shall be subject to the same terms and conditions set forth in the initial contract. There shall be only one extension of a contract unless the failure to meet the criteria set forth in the contract for completion of the contract is due to events beyond the contractor's control.

(13) For each contractual services contract, the agency shall designate an employee to function as contract manager who shall be responsible for enforcing performance of the contract terms and conditions and who shall serve as a liaison with the contractor, and shall approve all invoices prior to payment.

(14) Each agency shall designate one employee who, in addition to his existing duties, shall serve as a contract administrator responsible for maintaining a contract file and financial information on all contractual services contracts and who shall serve as a liaison with the contract managers and the division.

(15) A selection team of at least three employees who have experience and knowledge in the program areas and service requirements for which contractual services are sought shall be appointed by the agency head to aid in the selection of contractors for contracts of more than \$50,000. No member of the selection team shall later be named contract manager on a contract for which he was a member of the selection team. No employee from the office designated to maintain contract files and financial information shall sit on any selection team.

(16) No person receiving a contract that has not been procured pursuant to subsection (2) or subsection (3) to perform a feasibility study of the potential implementation of a subsequent contract, participating in the drafting of an invitation for bids or request for proposals, or developing a program for future implementation, shall be eligible to contract with the agency for any other contracts dealing with that specific subject matter, nor shall any firm in which such person has any interest be eligible to receive such contract.

(17) Nothing in this section shall affect the validity or effect of any contract in existence on the effective date of this act.

Section 8. Section 287.058, Florida Statutes, is created to read:

#### 287.058 Contract document.—

(1) Every procurement of contractual services shall be evidenced by a written agreement embodying all provisions and conditions of the procurement of such services, which shall include but not be limited to:

(a) A provision that bills for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof.

(b) A provision that bills for any travel expenses shall be submitted in accordance with s. 112.061. A state agency may establish rates lower than the maximum provided in s. 112.061.

(c) A provision allowing unilateral cancellation by the agency for refusal by the contractor to allow public access to all documents, papers, letters, or other material subject to the provisions of chapter 119 and made or received by the contractor in conjunction with the contract.

(d) A provision dividing the contract into at least bi-monthly units of deliverables, which shall include, but not be limited to, reports, findings, and drafts, that must be received and accepted in writing by the contract manager prior to payment.

(e) A provision specifying the criteria and the final date by which such criteria must be met for completion of the contract.

(2) The written agreement shall be signed by the agency contract manager and contract administrator and contractor prior to the rendering of any contractual service except in cases of valid emergencies pursuant to s. 287.057(11).

Section 9. Subsection (9) is added to section 216.031, Florida Statutes, to read:

216.031 Budgets for operational expenditures.—The legislative budget requests submitted by the head of each state agency, showing the amounts requested for operational expenditures during the next biennium, shall contain the following:

(9) *The sum of money actually expended for contractual services, as defined in s. 287.012, by the agency for the previous year.*

Section 10. Subsection (12) is added to section 601.10, Florida Statutes, to read:

601.10 Powers of the Department of Citrus.—The Department of Citrus shall have and shall exercise such general and specific powers as are delegated to it by this chapter and other statutes of the state, which powers shall include, but not be confined to, the following:

(12) *Notwithstanding the provisions of part I of chapter 287, promulgate rules for the purpose of entering into contracts which are primarily for promotional and advertising services and promotional events which may include commodities involving a service. Such rules shall include the authority to negotiate costs with the offerors of such services and commodities who have been determined to be qualified on the basis of technical merit, creative ability, and professional competency.*

Amendment 2—On page 1 in title, line 7, insert after the semicolon (;): creating ss. 16.535, 112.3185, 287.001, 287.058, Florida Statutes; amending s. 287.012(3), Florida Statutes, and adding subsections (5) and (6) to said section; amending ss. 287.032, 287.042(4), (5), (8), (10), 287.057, Florida Statutes; expanding provisions relating to the procurement of contractual services by the Department of General Services; creating a Legal Services Trust Fund for the Attorney General to represent state agencies; providing for approval of private legal assistance; providing exceptions; providing for ethical considerations in the procurement of contractual services; providing duties of the Division of Purchasing; providing penalties; establishing competitive bidding and sealed proposal procedures; providing for the content of contract documents; adding s. 216.031(9), Florida Statutes; including requests for contractual services within provisions relating to agencies' budgets; adding s. 601.10(12), Florida Statutes; providing an exception from contractual service procurement procedures for certain Department of Citrus contracts;

Amendment 3—On page 2, line 12 strike "July 1, 1982" and insert: "upon becoming a law"

Amendment 4—On page 1 line 10, after the colon, insert:

Section 1. Subsection (1) of section 255.05, Florida Statutes, is amended to read:

255.05 Bond of contractor constructing public buildings; action by materialmen, etc.—

(1) Any person entering into a formal contract with the state or any county, city, or political subdivision thereof, or other public authority, for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work shall be required, before commencing the work, to execute a payment and performance bond with a surety insurer authorized to do business in this state as surety. Such bond shall be conditioned that the contractor perform the contract in the time and manner prescribed in the contract and promptly make payments to all persons defined in s. 713.01 whose claims derive directly or indirectly from the prosecution of the work provided for in the contract. Any claimant may apply to the governmental entity having charge of the work for copies of the contract and bond and shall thereupon be furnished with a certified copy of the contract and bond. The claimant shall have a right of action against the contractor and surety for the amount due him. Such action shall not involve the public authority in any expense. However, at the discretion of the director of the Department of General Services when such work is done for the state, or at the discretion of the official or board awarding such contract when such work is done for any county, city, political subdivision, or public authority, any person entering into such a contract which is for \$100,000 ~~\$25,000~~ or less may be exempted

from executing the payment and performance bond. The director of the Department of General Services may delegate to state agencies the authority to exempt any person entering into such a contract amounting to \$100,000 ~~\$25,000~~ or less from executing the payment and performance bond. In the event such exemption is granted, the officer or officials shall not be personally liable to persons suffering loss because of granting such exemption.

(and renumber the subsequent sections)

Amendment 5—On page 1 in title line 2, after the semicolon, insert: amending s. 255.05(1), Florida Statutes, providing that certain contracts for \$100,000 or less concerning construction of public property may be awarded without a performance bond;

On motions by Senator Stuart, the Senate concurred in the House amendments.

SB 387 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Grizzle	Lewis	Skinner
Anderson	Hair	Margolis	Steinberg
Barron	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenkins	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiasen
Dunn	Johnston	Poole	Trask
Gersten	Kirkpatrick	Renick	Vogt
Gordon	Langley	Scott	Ware

Nays—None

The bill was ordered engrossed and then enrolled.

#### SPECIAL ORDER, continued

Consideration of Senate Bills 589, 523, 940 and 773 was deferred.

CS for HB 615—A bill to be entitled An act relating to the practice of acupuncture; amending s. 468.323, Florida Statutes; revising present requirements with respect to certification qualifications and fees for the practice of acupuncture; specifying requirements to be met after July 1, 1983; amending s. 468.3245, Florida Statutes, providing for acupuncture apprenticeship programs; providing program guidelines, eligibility requirements and fees; amending s. 468.327, Florida Statutes, deleting language relating to the authority of the Department of Professional Regulation to adopt rules relating to the determination of proper courses of study; amending s. 468.329, Florida Statutes, relating to exemptions; creating s. 468.330, Florida Statutes, providing for clarification of intent; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendment which was moved by Senator Hair and failed:

Amendment 1—On page 5, strike all of line 18 through and including line 21 and insert: Section 6. Notwithstanding the repeal date set by the Sunset Act, Part VII of chapter 468, Florida Statutes, relating to acupuncture, is repealed on October 1, 1983, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

On motion by Senator Hair, by two-thirds vote CS for HB 615 was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Childers, D.	Grizzle	Johnston
Anderson	Dunn	Hair	Kirkpatrick
Beard	Gersten	Jenkins	Lewis
Carlucci	Gordon	Jenne	Margolis

Maxwell  
Neal  
Poole

Rehm  
Renick  
Skinner

Steinberg  
Stevens  
Stuart

Tobiassen  
Trask  
Ware

Johnston  
Kirkpatrick  
Langley  
Lewis  
Margolis  
McClain

McKnight  
Neal  
Peterson  
Poole  
Rehm  
Renick

Scott  
Skinner  
Steinberg  
Stevens  
Stuart  
Thomas

Tobiassen  
Trask  
Vogt  
Ware

Nays—None

Vote after roll call:

Yea—Hill, Vogt

On motion by Senator Lewis, the rules were waived and by two-thirds vote CS for HB 266 was withdrawn from the Committee on Rules and Calendar.

CS for HB 266—A bill to be entitled An act relating to salt-water fisheries; amending s. 370.12(2)(f) and (g), Florida Statutes, and adding a new paragraph (h); directing the Department of Natural Resources to adopt rules regulating the operation and speed of motorboat traffic within described areas during certain dates for the protection of manatees or sea cows; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote CS for HB 266 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President  
Anderson  
Barron  
Beard  
Carlucci  
Dunn  
Frank  
Gersten  
Gordon  
Grizzle

Hair  
Henderson  
Hill  
Jenkins  
Jenne  
Johnston  
Kirkpatrick  
Langley  
Lewis  
Margolis

Maxwell  
McClain  
McKnight  
Neal  
Peterson  
Poole  
Renick  
Scott  
Skinner  
Steinberg

Stevens  
Stuart  
Thomas  
Tobiassen  
Trask  
Vogt  
Ware

Nays—None

Vote after roll call:

Yea—D. Childers

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1144 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Insurance—

HB 1144—A bill to be entitled An act relating to fire prevention and control; amending s. 633.081(2), Florida Statutes; redefining firesafety inspectors and inspections; amending s. 633.382(5)(b), Florida Statutes; relating to the issuance of warrants for the payment of supplemental compensation to firefighters; adding paragraph (q) to s. 633.45(1), Florida Statutes; establishing the Fire College Publications Revolving Trust Fund; amending s. 633.46, Florida Statutes; providing for deposit of training fees into the trust fund rather than the General Revenue Fund; creating s. 633.461, Florida Statutes; providing for the allocation of funds from the trust fund; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

On motion by Senator Hair, the rules were waived and by two-thirds vote HB 1144 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Hair, by unanimous consent HB 1144 was taken up and by two-thirds vote read the second time by title. On motion by Senator Hair, by two-thirds vote HB 1144 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President  
Anderson  
Beard

Carlucci  
Childers, D.  
Dunn

Frank  
Grizzle  
Hair

Henderson  
Hill  
Jenne

Nays—1

Gersten

#### Explanation of vote

Senator Gersten later noted that his vote on HB 1144, through mechanical or technical error, was erroneously recorded and it was his desire to vote yea instead of nay.

Consideration of Senate Bills 589, 523, 940 and 773 was deferred.

On motion by Senator Ware, the rules were waived and by two-thirds vote the following message was withdrawn from the Committee on Rules and Calendar:

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 2, concurred in same as amended and passed HB 43, as amended, and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Insurance—

HB 43—A bill to be entitled An act relating to corporations not for profit; repealing part II of chapter 617, Florida Statutes, relating to scholarship plans; providing an effective date.

Amendment 1 to Senate Amendment 1—On page 1 before line 1 insert:

Section 1. Chapter 606, Florida Statutes, consisting of sections 606.01, 606.02, 606.03, 606.04, 606.05, 606.06, 606.07, 606.08, 606.09, 606.10, 606.11, 606.12, 606.13, 606.14, 606.15, 606.16, 606.17, 606.18, 606.19, 606.20, 606.21, 606.22, 606.225, 606.23, 606.24, 606.25, 606.26, 606.27, 606.28, 606.29, 606.295, 606.30, 606.31, 606.32, 606.33, 606.34, 606.35, 606.36, and 606.37, Florida Statutes, is created to read:

606.01 Short title.—This act shall be known and may be cited as the "Florida Limited Liability Company Act."

606.02 Definitions.—As used in this chapter:

(1) "Bankrupt" means bankrupt under the Federal Bankruptcy Act or insolvent under any state insolvency act.

(2) "Court" includes every court and judge having jurisdiction in the action.

(3) "Limited liability company" or "company" means a limited liability company organized and existing under this act.

(4) "Person" means those entities listed in s. 1.01(3).

(5) "Real property" means land and any interest or estate in land.

(6) "Business" means every trade and occupation or profession.

(7) "Conveyance" means every assignment, lease, mortgage or encumbrance.

606.03 Purpose.—Limited liability companies may be organized under this act for any lawful purpose, except that special statutes for the regulation and control of specific types of business shall control when in conflict herewith.

A limited liability company is an "artificial entity" within the purview of s. 220.02 and is subject to the tax imposed under chapter 220.

606.04 Powers.—Each limited liability company organized and existing under this act may:

(1) Sue and be sued, complain and defend, in its name.

(2) Purchase, take, receive, lease or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or an interest in it, wherever situated.

(3) Sell, convey, mortgage, pledge, create a security interest in, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

(4) Purchase, take, receive, subscribe for or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge or otherwise dispose of, and otherwise use and deal in and with shares or other interests in or obligations of other foreign or domestic limited liability companies, domestic or foreign corporations, associations, general or limited partnerships or individuals, or direct or indirect obligations of the United States or of any other government, state, territory, governmental district, or municipality or of any instrumentality thereof.

(5) Make contracts and guarantees and incur liabilities, borrow money at such rates of interest as the limited liability company may determine, issue its notes, bonds and other obligations and secure any of its obligations by mortgage or pledge of all or any part of its property, franchises, and income.

(6) Lend money for any lawful purposes, invest and reinvest its funds and take and hold real property and personal property as security for the payment of funds so loaned or invested.

(7) Conduct its business, carry on its operations and have offices and exercise the powers granted by this act within or without this state.

(8) Elect or appoint managers and agents of the limited liability company, and define their duties and fix their compensation.

(9) Make and alter its regulations, not inconsistent with its articles of organization or with the laws of this state, for the administration and regulation of the affairs of the limited liability company.

(10) Make donations to the public welfare or for charitable, scientific or educational purposes.

(11) Indemnify a member, manager or any other person to the same extent as a corporation may indemnify its directors, officers, employees or agents against expenses actually and reasonably incurred by him or it in connection with the defense of an action, suit or proceeding, civil or criminal, in which he or it is made a party.

(12) Cease its activities and surrender its certificate of organization.

(13) Have and exercise all powers necessary or convenient to effect any or all of the purposes for which the limited liability company is organized.

(14) Transact any lawful business which the members or the managers shall find will be in aid of governmental policy.

(15) Pay pensions and establish pension plans, profit sharing plans, and other incentive plans for any or all of its managers and employees.

(16) Be a promoter, incorporator, general partner, limited partner, member, associate, or manager of any corporation, partnership, limited partnership, limited liability company, joint venture, trust, or other enterprise.

(17) Have and exercise all powers necessary or convenient to effect its purposes.

#### 606.05 Limited liability company name.—

(1) The words "limited company," or as abbreviated "L.C.," shall be the last words of the name of every limited liability company formed under the provisions of this act and, in addition, the limited liability company name may not be the same as, or deceptively similar to, the name of a limited liability company, or a foreign limited liability company, authorized to transact business in this state, or a name the exclusive right to which is, at the time, reserved in the manner provided under the laws of this state.

(2) Omission of the words "limited company," or as abbreviated "L.C.," in the use of the name of the limited liability com-

pany shall render any person who participates in the omission, or knowingly acquiesces in it, liable for indebtedness, damage or liability occasioned by the omission.

606.06 Formation.—Two or more persons may form a limited liability company by executing, acknowledging and delivering to the Department of State articles of organization for such limited liability company.

#### 606.07 Articles of organization.—

(1) The articles of organization shall set forth:

(a) The name of the limited liability company.

(b) The period of its duration, which may not exceed 30 years from the date of filing with the Department of State.

(c) The purpose for which the limited liability company is organized.

(d) The address of its place of business in the state and the name and address of its initial registered agent in the state.

(e) The total amount of cash and a description and agreed value of property other than cash contributed.

(f) The total additional contributions, if any, agreed to be made by all members and the times at which or events upon the happening of which they shall be made.

(g) The right, if given, of the members to admit additional members, and the terms and conditions of the admission.

(h) The right, if given, of the remaining members of the limited liability company to continue the business on the death, retirement, resignation, expulsion, bankruptcy, or dissolution of a member or occurrence of any other event which terminates the continued membership of a member in the limited liability company.

(i) If the limited liability company is to be managed by a manager or managers, the articles of organization shall so state and shall set out the names and addresses of such manager or managers who are to serve as managers until the first annual meeting of members or until their successors are elected and qualify. If the management of a limited liability company is reserved to the members, the names and addresses of the members shall be set out in the articles of organization.

(j) Any other provision, not inconsistent with law, which the members elect to set out in the articles of organization for the regulation of the internal affairs of the limited liability company, including any provisions which under this act are required or permitted to be set out in the regulations of the limited liability company.

(2) It is not necessary to set out in the articles of organization any of the powers enumerated in this act.

606.08 Filing of articles of organization.—The articles of organization shall be delivered to the Department of State. If the Department of State finds that the articles of organization conform to law, it shall, when all fees have been paid as prescribed in this chapter, file the articles of incorporation in accordance with this chapter. The Department of State shall then issue a certificate of organization.

#### 606.09 Effect of issuance of certificate of organization.—

(1) Upon the issuance of the certificate of organization, the limited liability company shall be considered organized, and such certificate of organization shall be conclusive evidence that all conditions precedent required to be performed by the members have been complied with and that the limited liability company has been legally organized under this chapter, except as against this state in a proceeding to cancel or revoke the certificate of organization or for involuntary dissolution of the limited liability company.

(2) A limited liability company shall not transact business or incur indebtedness, except that which is incidental to its organization or to obtaining subscriptions for or payment of contributions, until the articles of organization have been filed with the Department of State.

(3) The date when the company's existence shall commence shall be upon the filing of the articles of incorporation

by the Department of State, except that the date of commencement of corporate existence may be specified in the articles of organization:

(a) When the date specified in the articles of organization is the date of subscription and acknowledgment and the articles of organization are filed by the Department of State within 5 days, exclusive of legal holidays, after such date.

(b) When the date specified in the articles of organization is subsequent to, and not later than 90 days after, the date of filing of the articles of organization by the Department of State.

606.10 Registered office and registered agent to be maintained.—

(1) Each limited liability company shall have and continuously maintain in this state:

(a) A registered office which may be, but need not be, the same as its place of business.

(b) A registered agent, which agent may be either an individual resident in this state whose business office is identical with such registered office, or a domestic corporation, or a foreign corporation authorized to transact business in this state, having a business office identical with such registered office.

(2) Each registered agent and each successor registered agent appointed pursuant to s. 606.11 on whom process may be served shall file a statement in writing with the Department of State accepting the appointment as registered agent simultaneously with being designated, unless the agent signed the document making the appointment.

(3) The Department of State shall maintain an accurate record of the registered agents and registered office for the service of process and shall furnish any information disclosed thereby promptly upon request and payment of the required fee.

(4) No limited liability company shall maintain any action in any court until the limited liability company complies with the provisions of this section and pays to the Department of State a penalty of \$1 for each day it has failed to comply or \$250, whichever is less.

606.11 Change of registered office or registered agent.—

(1) A limited liability company may change its registered office or agent, or both, upon filing in the office of the Department of State a statement setting forth:

(a) The name of the limited liability company.

(b) The address of its then registered office.

(c) If the address of its registered office be changed, the address to which the registered office is to be changed.

(d) The name of its then registered agent.

(e) If its registered agent be changed, the name of its successor registered agent.

(f) That the change was authorized by affirmative vote of a majority of the members of the limited liability company.

(2) The statement shall be acknowledged and delivered to the Department of State. If the Department of State finds that the statement conforms to the provisions of this act, it shall file the statement in its office, and upon filing, the change of address of the registered office or the appointment of a new registered agent or both, as the case may be, is effective.

(3) Any registered agent of a limited liability company may resign as agent upon filing a written notice thereof with the Department of State, and by mailing a copy thereof to the limited liability company at its registered office. The appointment of the agent shall terminate upon the expiration of 30 days after receipt of notice by the Department of State.

606.12 Liability of members and managers.—Neither the members of a limited liability company nor the managers of a limited liability company managed by a manager or managers are liable under a judgment, decree or order of a court, or in any other manner, for a debt, obligation or liability of the limited liability company.

606.13 Service of process.—

(1) Process against a limited liability company may be:

(a) Served in accordance with chapter 48 or chapter 49 as if the company were a partnership.

(b) Served upon the registered agent at his business address.

(2) Any notice to or demand on a company organized pursuant to this chapter may be made by:

(a) Delivery to a manager of the company if the management is vested in a manager or to any member if the management is vested in the members.

(b) Writing, mailed to the registered office of the company in this state or to another address in this state which is the principal office of the company.

(3) Nothing herein contained shall limit or affect the right to serve any process, notice, or demand required or permitted by law to be served upon a limited liability company in any other manner now or hereafter permitted by law.

606.14 Contributions to capital.—The contributions to capital of a member to the limited liability company may consist of cash or other property, but not services.

606.15 Management of limited liability company.—Management of the limited liability company, unless otherwise provided in the articles of organization, shall be vested in its members in proportion to their contribution to the capital of the limited liability company, as adjusted from time to time to properly reflect any additional contributions or withdrawals by the members; however, if provision is made for it in the articles of organization, management of the limited liability company may be vested in a manager or managers who shall be elected by the members in the manner prescribed by the regulations of the limited liability company. If the articles of organization provide for the management of the limited liability company by a manager or managers, they shall be elected annually by the members in a manner provided in the regulations. The manager or managers shall also hold the offices and have the responsibilities accorded to them by the members and set out in the operating agreement of the limited liability company.

606.16 Regulations.—The power to adopt, alter, amend or repeal regulations shall be vested in the members unless vested in the manager or managers by the articles of organization. Regulations adopted by the members or by the manager may be repealed or altered, new regulations may be adopted by the members, and the members may prescribe in any regulations made by them that such regulations may not be altered, amended or repealed by the manager. The regulations may contain any provisions for the regulation and management of the affairs of the limited liability company not inconsistent with law or the articles of organization.

606.17 Contracting debts.—Except as otherwise provided in this chapter or the articles of organization, no debt shall be contracted or liability incurred by or on behalf of a limited liability company, except by one or more of its managers if management of the limited liability company has been vested by the members in a manager or managers or, if management of the limited liability company is retained by the members, then by any member.

606.18 Limited liability company property.—Real and personal property owned or purchased by a limited liability company shall be held and owned, and conveyance made, in the limited liability company name. Instruments and documents providing for the acquisition, mortgage or disposition of property of the limited liability company shall be valid and binding upon the limited liability company if executed by one or more managers of a limited liability company having a manager or managers or one or more members of a limited liability company in which management has been retained in the members.

606.19 Distribution of property; impairment of capital.—The limited liability company may, from time to time, distribute its property to the members of the limited liability company upon the basis stipulated in the regulations; provided, that after distribution is made, the assets of the limited liability company are in excess of all liabilities of the limited liability company except liabilities to members on account of their contributions.



A distribution shall be deemed a "dividend" under section 313 of the Internal Revenue Code as such code is defined in s. 220.03.

606.20 Withdrawal or reduction of members' contributions to capital.—

(1) A member shall not receive out of limited liability company property any part of his or its contribution to capital until:

(a) All liabilities of the limited liability company, except liabilities to members on account of their contributions to capital, have been paid or there remains property of the limited liability company sufficient to pay them.

(b) The consent of all members is had, unless the return of the contribution to capital may be rightfully demanded as provided in this chapter.

(c) The articles of organization are canceled or so amended as to set out the withdrawal reduction.

(2) Subject to the provisions of subsection (1), a member may rightfully demand the return of his or its contribution:

(a) On the dissolution of the limited liability company;

(b) When the date an event specified in the articles of organization for the return of the contribution has arrived; or

(c) After the member has given all other members of the limited liability company 6-months prior notice in writing, if no time is specified in the articles of organization for the dissolution of the limited liability company.

(3) In the absence of a statement in the articles of organization to the contrary or the consent of all members of the limited liability company, a member, irrespective of the nature of his or its contribution, has only the right to demand and receive cash in return for his or its contribution to capital.

(4) A member of a limited liability company may have the limited liability company dissolved and its affairs wound up when:

(a) The member rightfully but unsuccessfully has demanded the return of his or its contribution; or

(b) The other liabilities of the limited liability company have not been paid or the limited liability company property is insufficient for their payment, and the member would otherwise be entitled to the return of his or its contribution.

606.21 Liability of member to limited liability company.—

(1) A member is liable to the limited liability company:

(a) For the difference between his or its contributions to capital as actually made and that stated in the articles of organization as having been made; and

(b) For any unpaid contribution to capital which he or it agreed in the articles of organization to make in the future at the time and on the conditions stated in the articles of organization.

(2) A member holds as trustee for the limited liability company:

(a) Specific property stated in the articles of organization as contributed by such member, but which was not contributed or which has been wrongfully or erroneously returned; and

(b) Money or other property wrongfully paid or conveyed to such member on account of his or its contribution.

(3) The liabilities of a member as set out in this section may be waived or compromised only by the consent of all members; but a waiver or compromise shall not affect the right of a creditor of the limited liability company who extended credit or whose claim arose after the filing and before a cancellation or amendment of the articles of organization to enforce such liabilities.

(4) When a contributor has rightfully received the return in whole or in part of the capital of his or its contribution, the contributor is nevertheless liable to the limited liability company for any sum, not in excess of the return with interest, necessary to discharge its liability to all creditors of the limited liability

company who extended credit or whose claims arose before such return.

606.22 Interest in limited liability company.—A member's interest in a limited liability company is personal property.

606.225 Transferability of interest.—A member's interest in a limited liability company may be transferred or assigned as provided in the operating agreement. However, if all of the other members of the limited liability company other than the member proposing to dispose of his or its interest do not approve of the proposed transfer or assignment by unanimous written consent, the transferee of the member's interest shall have no right to participate in the management of the business and affairs of the limited liability company or to become a member. The transferee shall only be entitled to receive the share of profits or other compensation by way of income and the return of contributions, to which that member would otherwise be entitled.

606.23 Dissolution.—

(1) A limited liability company organized under this chapter shall be dissolved upon the occurrence of any of the following events:

(a) When the period fixed for the duration of the limited liability company shall expire.

(b) By the unanimous written agreement of all members.

(c) Upon the death, retirement, resignation, expulsion, bankruptcy, dissolution of a member or occurrence of any other event which terminates the continued membership of a member in the limited liability company, unless the business of the limited liability company is continued by the consent of all the remaining members or under a right to do so stated in the articles of organization of the limited liability company.

(2) As soon as possible following the occurrence of any of the events specified in this section effecting the dissolution of the limited liability company, the limited liability company shall execute a statement of intent to dissolve in such form as shall be prescribed by the Department of State.

606.24 Filing of statement of intent to dissolve.—The statement of intent to dissolve shall be delivered to the Department of State. If the Department of State finds that such statement conforms to law, it shall, when all fees and license taxes have been paid as prescribed in this chapter, file the articles of dissolution in accordance with this chapter.

606.25 Effect of filing of statement of intent to dissolve; procedure after filing such statement.—

(1) Upon the filing by the Department of State of a statement of intent to dissolve, the limited liability company shall cease to carry on its business, except insofar as may be necessary for the winding up of its business, but its separate existence shall continue until a certificate of dissolution has been issued by the Department of State or until a decree dissolving the limited liability company has been entered by a court of competent jurisdiction.

(2) Within 20 days after the Department of State has filed a statement of intent to dissolve, the limited liability company shall immediately cause notice thereof to be mailed to each creditor of, and claimant against, the limited liability company.

(3) The limited liability company shall proceed to collect its assets, convey and dispose of such of its properties as are not to be distributed in kind to its members, pay, satisfy, or discharge its liabilities and obligations or make adequate provisions for the payment and discharge thereof, and do all other acts required to liquidate its business and affairs. After paying or discharging all its obligations or making adequate provision for payment and discharge thereof, the limited liability company may distribute the remainder of its assets, either in cash or in kind, among its members according to their respective rights and interests.

606.26 Distribution of assets upon dissolution.—

(1) In settling accounts after dissolution, the liabilities of the limited liability company shall be entitled to payment in the following order:

(a) Those to creditors, in the order of priority as provided by law, except those to members of the limited liability company on account of their contributions;

(b) Those to members of the limited liability company in respect of their share of the profits and other compensation by way of income on their contributions; and

(c) Those to members of the limited liability company in respect of their contributions to capital.

(2) Subject to any statement in the regulations, members share in the limited liability company assets in respect to their claims for capital and in respect to their claims for profits or for compensation by way of income on their contributions, respectively, in proportion to the respective amounts of the claims.

606.27 Articles of dissolution.—When all debts, liabilities and obligations have been paid and discharged or adequate provision has been made therefor and all of the remaining property and assets have been distributed to the members, articles of dissolution shall be executed and verified by the person signing the statement, which statement shall set forth:

(1) The name of the limited liability company.

(2) That the Department of State has theretofore filed a statement of intent to dissolve the company and the date on which such statement was filed.

(3) That all debts, obligations and liabilities have been paid and discharged or that adequate provision has been made therefor.

(4) That all the remaining property and assets have been distributed among its members in accordance with their respective rights and interests.

(5) That there are no suits pending against the company in any court or that adequate provision has been made for the satisfaction of any judgment, order or decree which may be entered against it in any pending suit.

606.28 Filing of articles of dissolution.—

(1) The articles of dissolution shall be delivered to the Department of State. If the Department of State finds that such articles of dissolution conform to law, it shall, when all fees and license taxes have been paid as prescribed in this chapter, file the statement of intent to dissolve in accordance with this chapter. The Department of State shall then issue a certificate of dissolution.

(2) The certificate of dissolution shall be returned to the representative of the dissolved limited liability company. Upon the issuance of such certificate of dissolution, the existence of the company shall cease, except for the purpose of suits, other proceedings and appropriate action as provided in this act. The manager or managers in office at the time of dissolution, or the survivors of them, or if none, the members, shall thereafter be trustees for the members and creditors of the dissolved limited liability company and as such shall have authority to distribute any company property discovered after dissolution, convey real estate and take such other action as may be necessary on behalf of and in the name of such dissolved limited liability company.

606.29 Cancellation or amendment of certificate of organization.—

(1) The certificate of organization shall be canceled by the Department of State upon issuance of the certificate of dissolution.

(2) The articles of organization shall be amended when:

(a) There is a change in the name of the limited liability company or in the amount or the character of the contributions to capital.

(b) There is a change in the character of the business of the limited liability company.

(c) There is a false or erroneous statement in the articles of organization.

(d) There is a change in the time as stated in the articles of organization for the dissolution of the limited liability company.

(e) A time is fixed for the dissolution of the limited liability company if no time is specified in the articles of organization.

(f) The members desire to make a change in any other statement in the articles of organization in order that it shall accurately represent the agreement between them.

(3) The form for evidencing an amendment to the articles of organization of a limited liability company shall be promulgated by the Department of State and shall contain such terms and provisions consistent with this chapter as shall be determined by the Department of State. The amendment shall be signed and sworn to by all members and an amendment adding a new member shall be signed also by the member to be added and thereafter the amendment shall be forwarded to the Department of State for filing, accompanied by the requisite filing fee.

606.295 Involuntary dissolution.—

(1) A limited liability company may be dissolved involuntarily by a decree of the circuit court for the county in which the registered office of the limited liability company is situated in an action filed by the Department of Legal Affairs when it is established that:

(a) The limited liability company procured its articles of organization through fraud.

(b) The limited liability company has exceeded the authority conferred upon it by law; violated any provision of law whereby it has forfeited its charter; carried on, conducted, or transacted its business in a persistently fraudulent or illegal manner; or has, by the abuse of its powers contrary to the public policy of the state, become liable to be dissolved.

(2) A limited liability company may be dissolved involuntarily by order of the Department of State when the Department of State has determined that:

(a) The limited liability company has failed to file its annual report or pay the annual report filing fee within the time required by this chapter.

(b) The limited liability company has failed for 30 days to appoint and maintain a registered agent in this state.

(c) The limited liability company has failed for 30 days after change of its registered office or registered agent to file in the office of the Department of State a statement of such change.

(3) No limited liability company shall be involuntarily dissolved under subsection (2) unless the Department of State gives the limited liability company not less than 90 days' notice of the proposed dissolution, stating the reasons therefor, addressed to its registered office or to its principal place of business and the limited liability company has failed prior to such involuntary dissolution to correct the reasons for the proposed involuntary dissolution.

(4) If the Department of State shall involuntarily dissolve any limited liability company under the provisions of subsection (2), it shall issue a certificate to such effect and mail the certificate to the limited liability company at its registered office or its principal place of business. Upon the issuance of such certificate of involuntary dissolution, the existence of the limited liability company shall cease, except as otherwise provided by law.

(5) Any limited liability company dissolved by the Department of State under the provisions of subsection (2) or prior law may be reinstated by the Department of State at any time upon approval of an application for reinstatement signed by an officer or director of the dissolved limited liability company. Such application shall be filed by the Department of State whenever it is established to its satisfaction that in fact there was no cause for the dissolution or that the reasons for the dissolution have been corrected and all fees, computed at the rate provided by law at the time the limited liability company applies for reinstatement, have been paid. If the name of the dissolved limited liability company has been lawfully assumed in this state by another limited liability company, the Department of State shall require the dissolved limited liability company to amend its articles of organization to change its application for reinstatement. Whenever the application for reinstatement is approved and filed by the Department of State, the existence of the limited liability company shall be deemed to have continued without interrup-

tion from the date of dissolution. The reinstatement shall have no effect upon any personal liability of the members or managers of the limited liability company on account of actions taken during the period between dissolution and reinstatement, but the power of the limited liability company to indemnify such members or managers shall extend to actions taken during such period.

(6) The enumeration in subsections (1) and (2) of grounds for involuntary dissolution shall not exclude actions or special proceedings by the Department of Legal Affairs or any state officials for the annulment or dissolution of a limited liability company for other causes as provided in any other statute of this state.

606.30 Parties to actions.—A member of a limited liability company is not a proper party to proceedings by or against a limited liability company, except where the object is to enforce a member's right against or liability to the limited liability company.

606.31 Waiver of notice.—When, under the provisions of this chapter or under the provisions of the articles of organization or operating agreement of a limited liability company, notice is required to be given to a member or to a manager of a limited company having a manager or managers, a waiver in writing signed by the person or persons entitled to the notice, whether before or after the time stated in it, is equivalent to the giving of notice.

606.32 Fees for filing documents and issuing certificates.—The Department of State shall charge and collect:

(1) For filing the original articles of organization and issuing certificates of organization, if the capital of the limited liability company is:

Capital	Filing Fee
Not in excess of \$100,000	\$50
\$100,001 to \$250,000	\$75
\$250,001 to \$500,000	\$100
\$500,001 to \$1,000,000	\$150
In excess of \$1,000,000	\$250

(2) For amending the articles of organization, a filing fee of \$30, together with the appropriate fee set out in subsection (1) if the amendment is to increase the amount of capital.

(3) For filing a statement of intent to dissolve, \$30.

(4) For filing articles of dissolution, issuing a certificate of dissolution and canceling the certificate of organization, \$30.

(5) For filing a statement of change of address of registered office or change of registered agent, or both, \$5.

(6) For an annual report, a fee of \$50, due and payable January 2 of each year. This fee is delinquent if not paid by July 1 and an addition to the fee shall then be due of \$50.

606.33 Unauthorized assumption of powers.—All persons who assume to act as a limited liability company without authority to do so shall be jointly and severally liable for all debts and liabilities.

606.34 Miscellaneous charges.—The Department of State shall charge and collect:

(1) For furnishing a certified copy of any document, instrument, or paper relating to a limited liability company, \$15 for the certificate and affixing the seal thereto.

(2) At the time of any service of process on him as registered agent of a limited liability company, \$25, which amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

606.35 Jurisdiction of the circuit court.—The circuit courts shall have jurisdiction to enforce the provisions of this chapter.

606.36 Filings by Department of State.—All filings made by the Department of State shall be in accordance with the provisions of s. 607.384.

606.37 Tax on income of limited liability company.—The income of a limited liability company organized pursuant to this chapter shall be subject to the Florida Income Tax Code levied pursuant to chapter 220.

Section 2. Subsection (1) of section 220.02, Florida Statutes, is amended to read:

#### 220.02 Legislative intent.—

(1) It is the intent of the Legislature in enacting this code to impose a tax upon all corporations, organizations, associations, and other artificial entities which derive from this state or from any other jurisdiction permanent and inherent attributes not inherent in or available to natural persons, such as perpetual life, transferable ownership represented by shares or certificates, and limited liability for all owners. *It is intended that limited liability companies shall be subject to the tax imposed by this code.* It is the intent of the Legislature to subject such corporations and other entities to taxation hereunder for the privilege of conducting business, deriving income, or existing within the state. This code is not intended to tax, and shall not be construed so as to tax, natural persons who engage in a trade or business or profession in this state under their own or any fictitious name, whether individually as proprietorships or in partnerships with others, estates of decedents or incompetents, or testamentary trusts. However, corporations or other taxable entities which are or which become partners with one or more natural persons shall not, merely by reason of being a partner, exclude from their net income subject to tax their respective share of partnership net income. This statement of intent shall be given preeminent consideration in any construction or interpretation of this code in order to avoid any conflict between this code and the mandate in s. 5, Art. VII of the State Constitution that no income tax shall be levied upon natural persons who are residents and citizens of this state.

Section 3. Paragraph (d) of subsection (1) of section 220.03, Florida Statutes, is amended to read:

#### 220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(d) "Corporation" includes all domestic corporations; foreign corporations qualified to do business in this state or actually doing business in this state; joint-stock companies; *limited liability companies, under chapter 606*; common-law declarations of trust, under chapter 609; corporations not for profit, under chapter 617; agricultural cooperative marketing associations, under chapter 618; professional service corporations, under chapter 621; foreign unincorporated associations, under chapter 622; private school corporations, under chapter 623; foreign corporations not for profit which are carrying on their activities in this state; and all other organizations, associations, legal entities, and artificial persons which are created by or pursuant to the statutes of this state, the United States, or any other state, territory, possession, or jurisdiction. The term "corporation" shall not include proprietorships, even if using a fictitious name; partnerships of any type, as such; state or public fairs or expositions, under chapter 616; estates of decedents or incompetents; testamentary trusts; or private trusts.

Section 4. Paragraph (j) is added to subsection (2) of section 220.13, Florida Statutes, to read:

#### 220.13 Adjusted federal income defined.—

(2) For purposes of this section, a taxpayer's taxable income for the taxable year shall mean taxable income as defined in s. 63 of the Internal Revenue Code and properly reportable for federal income tax purposes for the taxable year, but subject to the limitations set forth in paragraph (1)(b) with respect to the deductions provided by ss. 172 (relating to net operating losses), 170(d)(2) (relating to excess charitable contributions), 404(a)(1)(D) (relating to excess pension trust contributions), 404(a)(3)(A) and (B) (to the extent relating to excess stock bonus and profit-sharing trust contributions), 404(d) (relating to excess contributions under the 1939 code), and 1212 (relating to capital losses) of the Internal Revenue Code, except that, subject to the same limitations:

(j) "Taxable income" in the case of a limited liability company as defined in and organized pursuant to Chapter 606 or a similar limited liability company created as an artificial entity pursuant to the statutes of the United States or any other state, territory, possession or jurisdiction absent a federal report and determination of taxable income as a corporation under the Internal Revenue Code, shall mean taxable income

*determined as if such limited liability company were required to file or had filed a federal corporate income tax return under the Internal Revenue Code.*

(and renumber subsequent sections)

Amendment 1 to Senate Amendment 2—Strike all of senate amendment number 2 and insert: Strike the title and insert: A bill to be entitled An act relating to business organizations; repealing part 2 of chapter 617, Florida Statutes, relating to scholarship plans; creating chapter 606, Florida Statutes, creating the "Florida Limited Liability Company Act"; providing definitions; providing legislative purpose; providing for the powers of limited liability companies; providing for limited liability company names; providing for formation; providing for the articles of organization and for the filing thereof; providing for the effect of the issuance of a certificate of organization; requiring the maintenance of a registered office and agent; providing procedures for change in office or agent; providing for liability; providing for service of process; providing for contributions to capital; providing for the management of limited liability company; providing for regulations; providing for contracting of debts; providing for limited liability company property; providing for the distribution of property and the impairment of capital; providing for the withdrawal or reduction of members' contributions to capital; providing for the liability of a member to the limited liability company; providing for the transfer of interest in limited liability companies; providing for dissolution; providing for the filing of a statement of intent to dissolve; providing for the effect of filing of a statement of intent to dissolve; providing for the distribution of assets upon dissolution; providing for articles of dissolution; providing for filing of articles of dissolution; providing for the cancellation or amendment of the certification of organization; providing for involuntary dissolution; providing for parties to certain actions; providing for waiver of notice; providing fees; providing for liability with respect to the unauthorized assumption of powers; providing for the jurisdiction of the circuit court; providing for filings of the Department of State; providing for tax liability of limited liability companies; amending s. 220.02(1), Florida Statutes, stating legislative intent to subject limited liability companies to the Florida Income Tax Code; amending s. 220.03(1)(d), Florida Statutes, including limited liability companies within the definition of "corporation" for purposes of the Florida Income Tax Code; adding paragraph (j) to s. 220.13, Florida Statutes, providing a definition under the corporate income tax law; amending ss. 617.013, 617.014, 617.023, 617.03, Florida Statutes; creating ss. 617.001-617.003, 617.016-617.019, 617.0201, 617.026, 617.028, 617.041, Florida Statutes; providing a short title; providing for applicability of the Florida General Corporation Act; providing for the corporate name, incorporators, articles of incorporation and their amendment, and the commencement of corporate existence; providing procedures for amending articles of incorporation and for filing articles of amendment with the Department of State; prohibiting any effect of amendments on existing causes of action; providing for restated articles of incorporation, for an office and resident agent, for qualifications and indemnification of the board of directors, managers, or trustees; providing that the certificate of incorporation is conclusive evidence of incorporation, with exceptions; providing guidelines for shareholders' meetings and activities; requiring certain records; authorizing certificates of membership; providing for termination of membership; repealing ss. 617.02, 617.025, Florida Statutes, relating respectively to amending the charter or the articles of incorporation and to the qualifications of directors; providing an effective date.

On motions by Senator Ware, the Senate concurred in the House amendments.

HB 43 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Jenne	McClain
Anderson	Gersten	Johnston	McKnight
Barron	Gordon	Kirkpatrick	Neal
Beard	Grizzle	Langley	Peterson
Carlucci	Hair	Lewis	Poole
Childers, D.	Henderson	Margolis	Rehm
Dunn	Hill	Maxwell	Renick

Scott  
Skinner  
Steinberg

Stevens  
Stuart  
Thomas

Tobiassen  
Trask  
Vogt

Ware

Nays—None

#### SPECIAL ORDER, continued

CS for SB 162 was read the first time by title and SB 162 was laid on the table.

On motion by Senator Hill, the rules were waived and by two-thirds vote HB 151 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Hill—

HB 151—A bill to be entitled An act relating to unemployment compensation; adding subsection (7) to s. 443.151, Florida Statutes, providing that, in any administrative proceeding under the Unemployment Compensation Law, an employer or a claimant may be represented by an authorized representative or counsel; providing an effective date.

—a companion measure, was substituted for CS for SB 162 and read the second time by title. On motion by Senator Hill, by two-thirds vote HB 151 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Grizzle	Maxwell	Steinberg
Anderson	Hair	McClain	Stevens
Barron	Henderson	McKnight	Stuart
Beard	Hill	Neal	Thomas
Carlucci	Jenne	Peterson	Tobiassen
Childers, D.	Johnston	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Ware
Gersten	Lewis	Scott	
Gordon	Margolis	Skinner	

Nays—None

CS for SB 162 was laid on the table.

On motion by Senator Grizzle, the rules were waived and by two-thirds vote HB 788 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Grizzle, by unanimous consent—

HB 788—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending ss. 232.13, 409.604, 410.016(2)(l), and 959.25(5), Florida Statutes, deleting or otherwise modifying certain reporting requirements; repealing ss. 20.19(3)(b)3.e. and (16), 381.3812(4), 381.605(2)(h), 391.066, 393.20(3), 400.333, 409.028(4)(d), and 409.365, Florida Statutes, relating to reports required to be submitted by the department to various government officials and agencies; requiring the department to study paperwork and report to the Legislature; requiring at least a 25% reduction in forms used by the Economic Services Program Office by June 30, 1983; providing an effective date.

—was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gordon	Margolis	Skinner
Anderson	Grizzle	Maxwell	Steinberg
Barron	Hair	McClain	Stevens
Beard	Henderson	McKnight	Stuart
Carlucci	Hill	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiassen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gersten	Lewis	Renick	Ware

Nays—None

On motion by Senator Anderson, the rules were waived and by two-thirds vote CS for HB 665 was withdrawn from the Committee on Rules and Calendar.

CS for HB 665—A bill to be entitled An act relating to mental health; requiring that minors entering state mental

hospitals be separated from adult patients and that children be separated from adolescents, effective July 1, 1983; requiring a plan; providing for placement of minors, where possible, in a less restrictive form of treatment; directing the Department of Health and Rehabilitative Services to develop a plan; amending s. 394.453, Florida Statutes, modifying intent; amending s. 394.455(2), (3), (13), (17), (20), (21), and (22), Florida Statutes, adding and modifying definitions; amending s. 394.457(2), (5) (a), (6)(b), and (9), Florida Statutes, modifying departmental responsibilities, providing for rules, correcting a cross reference, and removing an exception to modify frequency of review of continued placement; amending s. 394.459(1), (2), (3)(a), (4), (5)(a), (b), (d), and (e), (9)(a) and (b), and (11), Florida Statutes, and adding subsection (14) thereto, relating to rights of patients; amending s. 394.460, Florida Statutes, relating to rights of professionals; amending s. 394.461(1), Florida Statutes, and adding a paragraph to subsection (4) of said section, as amended, to provide for examination, rather than evaluation, of persons by receiving facilities, and to provide that no receiving facility shall be required to accept for examination and treatment any person with certain felony charges pending; amending s. 394.463, Florida Statutes; providing for involuntary examination of persons at receiving facilities under certain conditions; providing procedure; providing for disposition upon examination; providing for notice of release; amending s. 394.465(2) and (5), Florida Statutes; modifying provisions limiting the conditions under which a patient must be discharged; clarifying a reference; providing for transfer of patients from voluntary to involuntary status under certain conditions; amending s. 394.467(1), (2), (3), and (4)(a), (f), and (h), Florida Statutes, relating to involuntary placement; providing conditions therefor; modifying procedure for admission; limiting waiver of hearings; providing for certain convenience; correcting references; modifying provisions relating to competency hearings conducted by hearing examiners; amending s. 394.469(2) and (3), Florida Statutes, and adding a subsection to said section, relating to discharge of patients, modifying notice requirements and providing for restoration of competency; amending ss. 394.473 and 394.475(3) and (4), Florida Statutes, clarifying references and deleting certain provisions relating to persons adjudged incompetent; amending s. 394.478(1)(a), Florida Statutes, clarifying a reference; providing an effective date.

—was read the second time by title. On motion by Senator Anderson, by two-thirds vote CS for HB 665 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—37

Mr. President	Grizzle	Maxwell	Steinberg
Anderson	Hair	McClain	Stevens
Barron	Henderson	McKnight	Stuart
Beard	Hill	Neal	Thomas
Carlucci	Jenne	Peterson	Tobiasen
Childers, D.	Johnston	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	
Gersten	Lewis	Scott	
Gordon	Margolis	Skinner	

Nays—None

On motion by Senator Kirkpatrick, the rules were waived and by two-thirds vote HB 969 was withdrawn from the Committee on Rules and Calendar.

**HB 969**—A bill to be entitled An act relating to elevators; amending s. 399.035(1), Florida Statutes, expanding the exemption of semiprivate elevators from certain requirements for accessibility to the physically handicapped; providing for future repeal and review; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote HB 969 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—34

Mr. President	Barron	Childers, D.	Frank
Anderson	Beard	Dunn	Gersten

Gordon	Kirkpatrick	Neal	Stuart
Grizzle	Langley	Peterson	Thomas
Hair	Lewis	Poole	Tobiasen
Henderson	Margolis	Renick	Trask
Hill	Maxwell	Skinner	Vogt
Jenne	McClain	Steinberg	
Johnston	McKnight	Stevens	

Nays—None

Vote after roll call:

Yea—Carlucci

On motion by Senator Poole, the rules were waived and the Senate reverted to—

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 6 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Appropriations and Representative Woodruff and others—

**CS for HB 6**—A bill to be entitled An act relating to public assistance; providing for pilot public assistance workfare projects to be implemented only under certain circumstances; providing conditions related to registration of recipients of food stamps, criteria and procedures under which recipients are to be assigned to perform certain public work, operation of the workfare pilot projects, determination of hours in accordance with certain wage rates, and loss of eligibility for food stamps; providing for resolution of state/federal conflicts; providing for promulgation of rules; providing an appropriation; providing an effective date.

On motion by Senator Poole, by unanimous consent CS for HB 6 was read the first time by title and referred to the Committee on Rules and Calendar.

On motion by Senator Poole, the rules were waived and by two-thirds vote CS for HB 6 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Poole, by two-thirds vote CS for HB 6 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—33

Mr. President	Henderson	McKnight	Stevens
Anderson	Hill	Neal	Stuart
Barron	Jenne	Peterson	Thomas
Beard	Johnston	Poole	Tobiasen
Carlucci	Kirkpatrick	Rehm	Trask
Childers, D.	Langley	Renick	Ware
Dunn	Lewis	Scott	
Grizzle	Maxwell	Skinner	
Hair	McClain	Steinberg	

Nays—1

Gordon

Vote after roll call:

Yea—Vogt



*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed SB 38, SB 271, SB 567, SB 590 and SB 713.

*Allen Morris, Clerk*

The bills contained in the above message were ordered enrolled.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed HB 442, as amended.

*Allen Morris, Clerk*

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 17 was further corrected and approved as follows:

Page 487, column 1, from bottom, line 8, after "such" insert: mortgage or other instrument evidencing such lien making any such

Page 503, column 2, from bottom, line 14, before "purposes," insert: Services regarding the program. For administrative

The Journal of March 15 was further corrected and approved as follows:

Page 450, column 1, line 21, strike "products" and insert: pipelines

The Journal of March 12 was further corrected and approved as follows:

Page 434, column 1, in roll call for CS for HB 747, strike "Stevens" and insert alphabetically under "Yeas—27": Stevens

The Journal of March 11 was further corrected and approved as follows:

Page 401, column 1, strike lines 1 through 4 and insert: 351.009, Florida Statutes, relating to certain

Page 406, column 2, from bottom, between lines 12 and 13 insert: On motion by Senator Thomas, the rules were waived and by two-thirds vote HB 238 was withdrawn from the Committee on Finance, Taxation and Claims.

The Journal of March 10 was further corrected and approved as follows:

Page 388, column 1, from bottom, line 17, strike "286" and insert: 268

The Journal of March 9 was further corrected and approved as follows:

Page 325, column 1, between lines 27 and 28 insert:

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 16 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Thomas—

HB 16—A bill to be entitled An act relating to the protection of natural resources; amending s. 253.123, Florida Statutes, providing a definition; providing that the Department

of Environmental Regulation shall be responsible with respect to regulating certain restrictions on filling land and dredging in the state; amending s. 253.124, Florida Statutes, deleting reference to certain local authorities with respect to applications for filling land; amending s. 253.1241, Florida Statutes; providing that the Department of Environmental Regulation as well as the Department of Natural Resources shall be required to make certain studies with respect to state lands; amending s. 253.125, Florida Statutes, providing for consideration by local government of certain activities relating to state land; amending s. 403.061, Florida Statutes, providing restrictions on rules regarding improvement or natural conditions and federal regulations; amending s. 403.091, Florida Statutes, providing for inspection by the Department of Environmental Regulation of certain property on which a hazardous waste generator, transporter or facility or other air or water contaminant source is located; amending s. 403.201(2), Florida Statutes, relating to variances granted by the Department of Environmental Regulation from the provisions of the Florida Air and Water Pollution Control Act to provide special notice procedures; authorizing the department to proceed without a hearing under certain circumstances; amending s. 403.72(1), Florida Statutes, making discretionary with the department certain considerations in adopting rules; adding subsection (7) to s. 403.725, Florida Statutes, placing a limitation on the use of certain moneys in the Hazardous Waste Management Trust Fund; amending s. 403.727(4), Florida Statutes, providing certain defenses available to a person alleged to be in violation of the Florida Resource Recovery and Management Act; amending s. 403.8055(4), Florida Statutes, and adding subsection (6) thereto, requiring specific reference to federal regulations where such regulations are adopted as a rule by the Department of Environmental Regulation; amending s. 403.814(1) and (2), Florida Statutes, providing a time period for the commencement of work under a general permit issued by the Department of Environmental Regulation for projects governed by chapter 253 or chapter 403, Florida Statutes; amending s. 403.061, Florida Statutes, providing for publication of application for permit regarding chronology of agency action; amending s. 403.087, Florida Statutes, providing for denial of permits with certain state and national lands, providing for preemption by federal action; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

The Journal of February 23 was further corrected and approved as follows:

Page 207, column 1, line 11, strike "9" and insert: 12

The Journal of February 17 was further corrected and approved as follows:

Page 177, column 1:

Strike line 8 and insert: less than 18 years of age and who is actually occupying the

Strike line 20 and insert: four under this section.

Strike line 27 and insert: been issued a certificate of eligibility by the department.

The Journal of February 11 was further corrected and approved as follows:

Page 144, column 1, from bottom, line 24, strike: "to eliminate" and insert: and the elimination of to eliminate

The Journal of January 20 was corrected and approved as follows:

Page 58, column 2, from bottom, line 18, strike "and Appropriations"

On motion by Senator Dunn, the Senate adjourned sine die at 7:36 p.m.